THE AUTHORITY OF *Christian Princes* Over their Ecclesiastical Synods ASSERTED:

With Particular Respect to the

CONVOCATIONS OF THE CLERGY of the REALM AND Church of England.

Occasion'd by a late Pamphlet, intituled, *A Letter to a Convocation Man*, &c.

By *William Wake*, D. D. and Chaplain in Ordinary to his Majesty.

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Decle 2477

TO THE

Moſt Reverend Father in God

THOMAS,

By Divine Providence,

Lord Archbiſhop of *Canterbury*;

Primate of all *England*,

AND

Metropolitan, *&c.*

My LORD:

THAT I preſume to Prefix your *Graces Name*, to ſo Rude, and Haſty a Production; it is not becauſe I think the following *Treatiſe* deſerves your Acceptance, but becauſe I fear, it may need your Patronage. To appear againſt an

Author, who pretends to be the *Champion* of the *Church* of *England*, and to ſtand up in Defence of the long Neglected *Rights*, and *Priviledges* of its *Clergy*; has ſomething in it ſo Improper in Any, but eſpecially ſo Unbecoming a *Miniſter*, of *that Church*; that I thought it would be Requiſite for me, to take all the Care I could, to Remove thoſe Prejudices, which this might be apt to raiſe, in ſome, againſt the very Deſign of my *Diſcourſe*. And I knew no Way more effectually to do this, than by begging leave to Inſcribe what I had done to your *Grace*; who, as by Providence, you are placed in the *Firſt*, and *Higheſt Station*, in Our *Church*; ſo have you, upon all Occaſions, no leſs eminently ſignalized your ſelf, in the Defence of it.

It

It would, my *Lord*, look too much like Vanity in me, to ſay, that I here *publiſh* nothing, but what has, in ſome Meaſure, been before *Approved* of by your *Grace*. It ſhall ſuffice me, if I may be allow'd to declare thus much; That the *Principles*, upon which I go, are ſuch, as in your *Graces* Judgment, have nothing in them that is either Contrary to the *Doctrine* of the *Church of England*; or otherwiſe injurious to the *Rights*, and *Liberties* of it.

Who the *Perſon*, againſt whom I Write, is; I neither do Know, nor am at all Sollicitous to Diſcover. But as his *Principles* ſeem but too much to look towards a *Party*, againſt which the *Church* of *England* ever has; and, I am perſwaded will always be ready Vigorouſly to oppoſe her ſelf: ſo

ſo the Diſaffection which appears, in the whole Proceſs of his Diſcourſe, to the *preſent Eſtabliſhment*, ſufficiently ſhews; that He had ſome farther Deſign in the publiſhing of it, than barely to aſſert the *Rights* of the *Clergy*, and *Convocation*.

But of this let every One judge, as he ſees Cauſe: My Buſineſs is with his *Book*, not with his *Perſon*, or *Deſign*. In my *Reply* to which, as I have endeavour'd, according to my Ability, to *defend* the *Cauſe* both of the *King*, and *Church*; ſo, for the *Arguments* ſake, if for nothing elſe, I thought I might preſume to commend the Protection of it to your *Grace*, Who have ſo Great a Zeal for Both; and will therefore, I hope, be the rather diſpoſed, to favour this Honeſt, though

though but Imperfect, Performance, of Him, who with all poſſible Duty, and Reſpect ſhall ever remain,

My LORD,

Your Graces

Moſt Humble and Obedient Servant,

WILLIAM WAKE.

THE

ERRATA.

PReface, page iii. line 23. read *Of divine*, p.vi.l.17. r.*fell*.Book,p.7.l.24.r.*yet*,p.24.marg.l.8.r.*Maſticon*,p. 49. l. 13. r. *Ariminum*, p. 81. l. 20. r. *bow far*, p. 91. l. 12. r. *of Their*, p. 92. marg. l. 10. r. *placebit*, ibid. l.16. r. *defined*, p. 95. l. 8. r. *Countries*, p.99. l. 5. r. *Convocation*, p. 101. l. 24. add *Conſent*, p. 109. l. 14. r. *Canons*, p. 175. l. 11. r. *Gervilio*, p. 203. marg. l. 9. r. 271, l. 15. r. 502, p. 237. l. ult. r. *two*, p. 270. l. 22. r. *than*, p. 293. l. 27. *to*, r. *for*, p. 311. l. 5. r. *theſe*, p. 376. l. 20. r. *Annihilate*.

THE PREFACE.

I *Am ſo well aſſured that I have aſſerted nothing, in the following Diſcourſe, but what is agreeable to the* Princi-ples *of the* Church of England, *that I ſhall not make the leaſt Apology for declaring my ſelf againſt an* Author, *whoſe Notions neither our* Own, *nor any other* Reformed Church, *that I know of, has ever approved; nor is there any Reaſon to expect that any* Chriſtian Prince *ſhould be content to allow of them. How this* Gentleman *came to be Engaged to write in Defence of the ſuppoſed* Rights *of our* Convocations, *I cannot tell: But ſure I am he has done it in ſuch a manner as is not much for the Benefit of the* Church; *nor will, I ſuppoſe, at all encourage any One to ſtand up in* Defence of Him.

That his main Aſſertion *is New and Paradoxical; Contrary to the Senſe of all the* Learned *in the* Law, *and Repugnant to the* Conſtant Practice *of our* Convocations, *ever ſince the time of* Henry VIII, *is certain; nor does He himſelf deny it. One would therefore have hoped, that his* Arguments *ſhould have born ſome proportion to his* Allegations; *and that there ſhould have been, at leaſt, as much* Weight *in the* One, *as there was* Aſſurance *in the* Other. *But when I came to examine them, I found there was nothing formidable in this* Author, *but his* Confidence: *and that, like ſome empty* Spectre, *his power was only to* Fright *ſuch, as had not the Reſolution to* Speak *to him.*

Let. p. 40

If any one ſhall ask, how I came to Oppoſe ſo large an Anſwer *to a* Letter *ſo little in Bulk, and ſo much yet leſs in Weight and Subſtance; He may pleaſe to know, that the much* Greateſt, *as well as moſt* Uſeful, *part of the following Book, has no concern at all with it, but was only Written upon Occaſion of it. I was willing to lay hold on the Opportunity which this* Author *had given Me, to ſearch, as far as my Leiſure would permit, into this Subject; and having ſo done, I was no leſs willing to communicate what I had met with to the World; not knowing*

knowing but that ſome others might receive as much Satisfaction from theſe Reſearches, *as, I was ſenſible, I my ſelf had done.*

It has been complain'd of by this Gentle- Let. p. 18
man, *as no ſmall Neglect in Thoſe of our* Profeſſion, *that they are, for the moſt part, but little acquainted with the* Rights *and* Power *of an* Engliſh Convocation: *And indeed a* Subject *it is, that has but very little been ſearcht out by them, or Examined by any Others of our* Antiquaries, *for Them. I may preſume to ſay I have here publiſhed more, than I have ever yet met with, in any One Piece, upon this* Argument: *But yet, when that is ſaid, I am not ſo carried away with an undue Opinion of my own* Performance, *as not to know, that what is here publiſh'd, is, at moſt, but an imperfect* Eſſay; *and, like the* firſt Lines *of a* Draught, *ſhews rather what I* deſign'd, *than what I have been able, in any tolerable manner, to* finiſh.

I cannot deny but that, next to the Knowledge in Divine things, *there is nothing I ſhould rather deſire to Underſtand, than the* Laws *and* Antiquities *of the* Country *in which I live; but eſpecially of the* Church *in which I miniſter. And I am not a little pleas'd to ſee, that there are, at this time, ſo many Perſons, of Excellent Parts, no leſs addicted to theſe* Reſearches, *and much*

better Able to purſue them, than I am. It may poſſibly be ſome provocation to One, or Other of Theſe, to give us a more perfect Account of the preſent Subject, *to ſee how little is here done in it. The* Argument *certainly deſerves Conſideration; and I heartily wiſh it a* better Hand, *and a* better Head *too than any that has yet appear'd upon it.*

In the following Treatiſe, *having firſt* ſtated *the* Subject *I was to go upon, and ſettled the* Method *I thought moſt proper to be obſerved in the proſecution of it; I, in the next place, go on to lay the Foundation of what I had to ſay with Reference to our* own Laws *and* Conſtitutions, *upon the* Practice *and* Opinions *of the* Antient Church; *and of all the* Chriſtian Countries *round about us, for above* 800 *years after* Chriſt. *I conſider'd that the* Church of England, *beyond moſt* Churches *in the World, has a peculiar Veneration for the* Diſcipline, *as well as* Doctrine *of the* Primitive Church. *And I thought it would be no ſmall Evidence of my good Intentions towards it, upon this Occaſion, to ſhew, that I pretended to nothing in behalf of our* own Kings, *but what the* Biſhops *and* Clergy, *from the* fourth Century *downwards, had readily allow'd to their* Emperours; *And what*

what all Other Chriſtian Princes *continued to Enjoy, till the* Papal Authority *prevail'd over Them, and deprived them of that* Supremacy *in* Eccleſiaſtical matters, *which They* originally *had*; *and to which the* Reformation *has again ſo juſtly reſtored them.*

And now, having laid ſo good a Foundation; *I thought I might proceed the more freely to Enquire into the* Caſe *of our own* Country; *and ſee what* Authority *the* King of England *has over his* Convocations; *and by what* Law *or* Cuſtom *he enjoys that* Authority? *In this, I was forc'd to confine my ſelf within the time of the* Reformation; *becauſe it was about the* Beginning *of* that, *that* Our Kings *were reſtored to their* Supremacy *in this, as well as in other matters*; *or at leaſt had their* Authority *more ſolemnly recognized by the* Clergy, *and eſtabliſhed by the* Parliament, *than ever it had been before.*

But leſt ſuch a Supremacy *as this, ſhould ſeem to depend rather upon the* Authority *of an* Act of Parliament, *than to be derived from that* Original Power, *in* Eccleſiaſtical Cauſes, *which belongs to all* Chriſtian Princes, *and to Ours as well as to any*; *and which was Exerciſed by them many* Ages, *before any* Statute *was made to intitle them thereunto*; *Having ſhewn what the* Law, *as to theſe*

matters, now is; I thought it might not be amiß to enlarge my Enquiry, and to ſee how the Caſe has ſtood, in this particular, from the firſt Converſion of the Saxons, *to the time wherein I began my former Diſquiſition. And upon ſearch I found, and, I think, have plainly made it appear, that the* Authority *I here aſſert to the* King, *is no other than what our moſt antient* Princes, *till about* 1100 *years after* Chriſt, *continued to* exerciſe; *and even then claim'd a* Right *too, when they were not any longer permitted to* excerciſe *it.*

If in purſuing of this Enquiry through ſo many paſt Ages, *I have ſometimes taken the liberty to fill up thoſe Vacancies, which, (through the want of Materials proper for ſuch an Undertaking,) often fall in my way; with Reflections a little foreign to my proper Buſineſs, I hope it will not be taken for any great Offence, in a Work of this Nature: eſpecially conſidering that my very* Digreſſions *are rather not directly to the purpoſe of my preſent Subject, than altogether diſtant from it.*

As for the remainder of my diſcourſe, which is ſpent in Anſwering *the* Letter to a Convocation-man; *I ſhall only ſay thus much, that I have not deſignedly either over-look'd any of its* Arguments, *or made an imperfect, much leſs a falſe Repreſentation of them. I*

have

have examined *every thing that ſeem'd conſiderable enough to be taken notice of, and I hope, have fully* anſwered *what I have* examined.

I am not aware that, in doing of this, I have given my Adverſary any hard Treatment, tho' I cannot but ſay, He has taken care oftentimes to deſerve it. But I thought it unreaſonable to be guilty *of that my ſelf, which I look'd upon to have been a fault in Him. 'Tis true, I have all along ſpoken my mind with great freedom; and where I found any thing amiſs have not ſtuck to own it, tho' it ſeemed to reflect upon thoſe of my own Order. Till* Clergy-men *ceaſe to be* Men, *they will be guilty not only of* Follies *and* Imprudencies, *but of* Sins *too, as well as others: and to what purpoſe ſhould I diſſemble that, which, whether it be confeſs'd or not, all the World knows to be but too True. Were our* Faults *ſo* private, *that to* allow *of them were to* publiſh *them; I am ſure no One ſhould be more careful to hide them than I would be: But I cannot conceive it to be either for the* Credit *or* Intereſt *of the* Church, *to* diſſemble *thoſe* Vices, *which thoſe who* Commit *them take no Care to* Conceal.

If any one ſhould be ſo unreaſonable, as to take occaſion from hence to think hardly of our Profeſſion, *or to be ſcandalized at our* Religion,

ligion, *for the Faults of thoſe who* miniſter *in It*; *I would only deſire them to conſider that we live in an* unhappy Age, *and make up a* large Number *of* Men; *and it can hardly be thought, but that where ſo many thouſands* wait *at the* Altar, *ſome there ſhould be, who are much fitter to be* caſt out *of the* Church, *than to* officiate *in it. In the mean time, God be thanked, Many there are who are as* Eminent *for their* Piety, *as ſome others are* Notorious *for their* Irregularities: *and this Advantage they ought to have, to* recommend *our* Religion, *beyond what the others ſhould have to* defame *it; that theſe live agreeably to the* Rules *of their* Holy Profeſſion, *whereas the others muſt be confeſs'd to have ſcandalouſly departed from them.*

To conclude; *the following* Treatiſe, *as it was truly intended for the Service of the* Church of England, *ſo I hope it may be of ſome* Uſe *to many in it. At leaſt it will ſatisfie Thoſe who have taken Offence at the Letter here* examined, *that it ſpeaks not the Senſe of* All, *if of* any, *of our* Clergy: *And ſhew, that many there be who no leſs diſapprove the* Aſſertions *of this* Author, *than they are juſtly offended at his* Bold *and* Scandalous Reflections.

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Of the Nature *of the* Civil Government *about the* beginning *of this* Period; *particularly of the* Great Council *of the* Nation. § 43.

—*Of the* Change, *which ſome ſuppoſe, was, about this time, made in it.* § 44,45

—*That the ſame* Change *was made in the* Eccleſiaſtical, *which ſeems to have been made, in the* Civil part *of it.* § 46.

—*What place, from thenceforth, the* Inferiour Clergy *had in it? ſhewn,*
From the Parliament Writ. § 47.
From the Parliament Rolls. § 48.

—*How our* Great Councils Met, *and* Acted, *at the beginning of this* Eſtabliſhment? § 49.

Of the State *of the* Convocation, *as it is a* Provincial Synod, *about this time: ſhewn,*
—*From the difference between the* Parliament, *and* Convocation Writ. § 50,51.

How the Convocation *came to be ſummon'd at, or about, the* ſame time, *with the* Parliament? § 51.

—*Whether* One *may not be held without the* Other? § 52.

By whom the Convocation, *in theſe times, was wont to be* Called? § 53.

Of the cheif Convocations *held under* { *K.* Edw. I. § 54. / *K.* Edw. II. § 55. / *K.* Edw. III. § 56.

Of

Of the Oppoſition *which began, about this time, to be made to the* Pope's Uſurpations. *ibid.*

Of the Convocations *under our following* Kings, *to the time of King* Henry VIII. § 58, *ad* 61.

Period IV.

From the 25th of K. *Henry* VIII. to Our *Own Times.*

An Hiſtorical *Account of the* Statute 25. Hen. VIII. *cap.* 19. § 62, 63, 64.

Of the Dependance which the Convocation *has upon the* Parliament. § 65.

Whether the Convocation, *as it now ſtands, be any part of the* Parliament? § 66.

Of Select Committees, *and the Great Uſe that has been made of them, under this* Period. § 67.

The ſeveral Ways *of tranſacting* Eccleſiaſtical Affairs *at this day, conſider'd; in* Five *Particulars.* § 68.

It is at the Prince's *choice, by which of theſe he will, from time to time, tranſact them.* § 69, 70.

CHAP. V.

The Opinion advanced, in the Late *Letter to a Convocation Man,* ſtated: and the *Arguments* examined, by which the Author of it pretends to ſhew: 1. That the *Convocation* has a

Right to meet, whenever the *Parliament* does. And 2. That being Met, it has alſo a Right to Act, without any *Licence* from the King, to empower it ſo to do.

The Subject of this Chapter *propoſed.* § 1.
And the Queſtions *in debate ſtated, from the* Words *of the* Letter, *here to be Examined.* § 2.
Whether the Church *has any* Original, Inherent Right, *of its Own, to* Aſſemble Synods? § 3.
The Firſt Queſtion brought to its true State? § 4.
The Second Queſtion, in like manner, reduced to its true bounds. § 5.

I. Queſtion. § 6.

That the Convocation *has a* Right *to Sit, as often as the* Parliament *meets: does not follow*;
1. *From any ſuppoſed* Parallel, *between them.* § 7.
---*Which is examined and anſwer'd.* ib.
---*That there is more need of* frequent Parliaments, *than of* frequent Convocations. § 8.
2. *Nor from the* 8*th.* Hen. VI. § 9.
3. *Nor from its power to* judge *in matters of* Hereſie. § 10.
4. *Nor*

4. *Nor from the* Biſhops Parliament Writ. § 11.

The Objection of the Archbiſhop's *being* prohibited *by the* King's Juſtice, *to hold a* Synod, *by his* Own Authority; *neither* well Related, *nor to the* purpoſe. § 12.

5. *Nor from the* Deſcriptions *of a* Convocation *in the* Law Dictionaries. § 13

II. Queſtion. § 14.

That the Convocation *being* Met, *may proceed to* Act *without the* King's Licence; *Not proved,*

1. *From any thing unreaſonable, that would follow, if it might not.* § 15.

2. *Nor from any* ſuppoſed Right, *which they have, to the* King's Licence, *if it be needful.* § 16.

3. *Nor from the* Parallel, *again urged, between the* Convocation *and the* Parliament. § 17.

4. *Nor from the* Prohibitions, *antiently ſent by the* King *to it.* § 18.

5. *The* Statute 25. Hen. VIII. *Vindicated, from the new Interpretation given of it by this Author.* § 19, 20.

The King's Right *to ſend* Commiſſioners *to ſit in* Convocation, *nothing to his Advantage* § 21.

Of the Authority *of the* Convocation *in point of* Judicature. § 23.

The Caſe between Dr. Standiſh, *and the* Convocation, *Related, as it ſtands in our antient* Law Books. § 24.

CHAP. VI.

Some Rules laid down, by which to judge, for what *Cauſes*, and at what *Times*, *Synods* ought, or ought not, to be Aſſembled: And the *Allegations* brought to prove a *Convocation* to be, at this time, *neceſſary* to be *held*, Examined by Them.

It is confeſs'd that the King *ought to ſuffer the* Convocation *to* ſit, *when the* Neceſſities *of the* Church *do really require it.* § 1

The Author's *Poſition laid down, and the* Method *propoſed for the Examining of it.* § 2.

I. *That* Synods *are oftentimes* Uſeleſs, *and even* Hurtful *to the* Church. § 3.

The Ends, *for which* Synods *ought to be call'd, beſt ſhew when it is fitting to call them.* § 4.

The General Meaſures, *from whence to* judg *of this, from thence ſtated.* § 5.

From thoſe General Meaſures, *the following* Particular Rules, *deduced.*

1. Synods *ought not to be called, to determine* plain *and* clear Matters. § 6.

2. *Nor*

2. *Nor for ſuch, as have by an* Equal, *or perhaps* Greater Authority, *been already determined.* § 7.
3. *Nor to do that, which may be done by more* Eaſie, *and* Ordinary Methods. § 8.
4. *Nor when there is no probable Expectation of any* Good *to come from their* Meeting. § 9.
5. *Nor in* Unquiet, *and* Unſettled Times. § 10.
II. *What the* Author *of the* Letter, &c. *has offered to prove that it is* neceſſary *a* Convocation *ſhould* now meet? § 11.
It is confeſs'd that we ſtand in great need of a Reformation; *but it does not thence follow that we need a* Convocation. § 12.
1. *A Convocation not neceſſary, to condemn* Scepticks, *or* Deiſts. § 13.
2. *Nor to cenſure* Socinians. § 14.
3. *Nor againſt thoſe who plead for a* General Toleration. § 15.
4. *Nor to call ſome* Particular Perſons *to account.* § 16.
5. *Nor to prevent theſe things from* Corrupting *the* Manners *of* Men. § 17.
The farther Pretences, *of this* Author, *to the ſame purpoſe,* conſider'd, *and* anſwered. *viz.*
1. *That the* Biſhops *cannot* Reform *theſe* Abuſes. § 18.

 2. *Nor*

THE AUTHORITY OF Chriſtian Princes ASSERTED, &c.

CHAP. I.

The Deſign of the following Diſcourſe; *with a ſhort account of the* Method *that is propoſed to be obſerved in the Proſecution of it.*

§ 1. THO it be not very material in what *Order* we examine the *Queſtions* here propoſed; nor ſhall I therefore paſs any Cenſure upon the *Method*, which our *Author* has taken, in handling of them: yet becauſe I think the matter of *Right*, in this caſe, is of much greater Concern, in it ſelf, than that of *Expedience*; and the Proof of which,

which, if it ſtand good, will ſuperſede the neceſſity of looking any farther: I ſhall take the liberty to begin with that *Point*, which, howſoever it be reſolved, will go a great way towards a Determination of this whole Controverſie. For if the *Convocation* has a *legal Right* to *Sit* and *Act*, Independent upon the Will and Pleaſure of the Prince; and if to deny them ſo to do, as often as the *Parliament* is Aſſembled, is to violate that *Right* which, by vertue of our *Conſtitution*, they ought to enjoy; (as this *Author* doubts not to affirm:) Then whether there be any ſuch preſent Occaſion for their Sitting, as he pretends, or no; it muſt be confeſs'd that the Clergy have had wrong enough already done them; and ought not to be encroach'd upon by any farther *Adjournments*. On the contrary, If the *Meeting* and *Acting* of the *Convocation*, does depend upon the *Grace* and *Pleaſure* of the *Prince*; ſo that they can neither *Aſſemble* nor *Conſult*, without his *Permiſſion*; nor is He any farther obliged to Allow of either, than he is perſuaded their *Meeting* and *Acting* will be for the *Publick Benefit* of the *Church* and *Kingdom*: Then it muſt follow, that in pretending to judg of theſe Matters, our *Convocation-Man*,

tion-Man and his *Friend* have meddled with that which does not belong to them: And that in vain do they inſiſt upon what ſeems agreeable to their Apprehenſions; whilſt they cannot tell but that His *Majeſty* may have as *Good*, or *Better*, *Reaſons againſt* their *Sitting*, under the preſent Circumſtances of Affairs; as they can Imagine they have offer'd for it.

Indeed, if our *Author* be at this time a Member of the *Houſe of Commons*, as in One paſſage of his Book he ſeems to intimate that He is: And if His Concern for the *Honour of Religion, and the Good of the Church*, be ſo Great, as he would have us think it to be; I cannot but wonder why he has ſo long ſuffered that *Honourable Houſe* to neglect this matter ſo far, as never once to enter upon the Conſideration of it. He knows the *Commons* have a *ſtanding Committee for Religion*; and he ſeems to lay it to their charge, that notwithſtanding this, *nothing has ever been done by 'em, ſince the Revolution, in favour of it.* But why then did not our *Zealous Advocate* chuſe rather to Repreſent the Injury that is done our *Church*, and the Invaſion that has been made upon the very *Fundamental Frame* of our *Conſtitution*; § 2. *Let. p.* 28 *Ib. p.* 22.

tution, to thoſe worthy *Gentlemen*; and at ſuch a *Committee*, where he had a Right to ſpeak, and where this Point would have been properly debated; than to creep out into the World under the diſguiſe of a *nameleſs Author*; and Expoſe both *Himſelf* and his *Cauſe*, to thoſe Cenſures, which, by this means, are ſo juſtly paſs'd upon *Both*.

We cannot ſuppoſe that he declined this out of any diſtruſt of the *Arguments* he had to allege, to make good his Pretenſions, in favour of the *Convocation*. No, we find he is ſo confident of their Clearneſs, that he aſſerts it again and again, with much Aſſurance, that to *Sit* and *Act*, is their *Right*; and that the King cannot hinder them from doing Both, without Violating our *Conſtitution*, as well as Injuring the *Convocation*. And for his Opinion of the Readineſs of the *Houſe of Commons* to do us Juſtice, as to this matter, I ſhall need only to repeat his own Words to ſhew, that He had no reaſon to Except againſt That. "*For the*

Let p. 16 "*ſame Reaſon* (ſays he) *that they are con-*
"*cern'd to maintain the* Rights *and* Privi-
"leges *of Their* own Body, *They would be*
"*careful not to invade* Thoſe *of* Another.
"*They are wiſe enough to know that the pre-*
"*ſerving*

" *ſerving the* Conſtitution, *as it is, is the*
" *beſt way to preſerve their true and real*
" *Intereſts: and that the* Conſtitution *can*
" *no otherwiſe be upheld, than by the ſeveral*
" *parts of it being preſerved in their juſt*
" Rights *and* Powers; *allow'd to Act in*
" *their proper* Spheres, *and* Circumſcribed
" *within* them. *This I ſay they are wiſe*
" *enough to know; and withal juſt enough*
" *to own, That a* Convocation *is as much*
" *a part of the* Conſtitution, *as a* Parlia-
" ment *it ſelf.*

§ 3. But our *Author* has taken his own Way, and I muſt either follow him in it, or muſt leave one great part of his *Letter* unanſwered: And it is not unlikely but that in doing this, ſome may be ſo far byaſs'd in his Favour, as to believe that it was unanſwerable. And tho' I am ſenſible that in purſuing of theſe Conſiderations I ſhall meddle with ſuch Matters as do not at all belong to a private Debate; yet ſince others have had the Boldneſs to arraign the Government, for not ſuffering the *Convocation* to meet; and to tell the World, that both the *Honour* of *Religion*, and the *Good* of the *Church*, are concern'd in it, and cannot be preſerved without it: I hope I may take

take the liberty to examine what Ground there is for ſo invidious a Suggeſtion; and have as much *Right* to tranſgreſs in *behalf* of *Authority*, as this *Gentleman* has taken to *offend againſt* it.

And the Method that I ſhall chooſe, for the clearing of this Subject, ſhall be this:

Letter. p. 1. 21. Firſt, I will enquire (as to the matter of *Right*) whether there be any *Law*, that *Commands*, or *Permits*, the *ſitting* and *acting* of the *Convocation*; beſides the *abſolute*, free *Pleaſure* of the *Prince*? And, if there be, What that *Law* is? And how far the *Prince* is *obliged* by it. Which being ſettled, I will,

Ib. p. 1. 2. Secondly, Conſider, What *Occaſion* there is at preſent for a *Convocation*? And whether the *Neceſſity* of its *Meeting* and *Acting* be ſo *great*; and the *Delay* of it ſo *dangerous*, as our *Author* pretends it to be.

As for his *Third Queſtion*, which reſpects the *Validity* of the *Acts* of a *Convocation*, any farther than they are *Confirm'd*, and *Approved* of, by *Parliament*; that is not much inſiſted upon by our *Author*: And what is needful to be ſaid

to

to it, will incidentally fall in, in the Proſecution of the other *Two*.

But tho' this therefore be the General Method which I ſhall Obſerve; yet I am ſenſible, that in order to the better clearing of the *former* of theſe *Queſtions*, I muſt take a much larger Compaſs than our *Author*'s Deſign led him to do. And to the end I may not barely anſwer his Allegations, but may alſo give ſome tolerable Account of the true *Nature* and *Rights* of our *Convocation*; (which, for all this *Gentleman* has yet done, may ſtill continue to be as little underſtood as thoſe of a *Jewiſh Sanhedrim:*) I ſhall endeavour to examine this Matter to the bottom, as far as my Skill will enable, and my Leiſure permit me to do it. For as our *Author* has rightly obſerved, that an exact, and full Account of this Matter, cannot be given but by one who has great Skill in our *Engliſh Laws* and *Antiquities*; (I may add, and in the *Laws* and *Antiquities* of the *Church* too; which *Dyet* muſt be competently underſtood, or this *Subject* can never be throughly handled:) ſo muſt I freely profeſs, that neither will my other Affairs allow me to be very exact; nor does my *Profeſſion*, as a *Di-*

Letter, p. 28.

Lett. p. 27.

vine, intitle me to ſo much Skill, as I am ſenſible is requiſite, to the perfecting of ſuch an Undertaking. But however, I will candidly offer what I have met with; and where I chance to be miſtaken (eſpecially in Matters of *Law*, which lie out of my Way,) I hope thoſe who are more learned will make a reaſonable Allowance for my Errors.

Chap. II.

The firſt General Point *propoſed; and the Method laid down for the handling of it. In purſuance whereof, a General Enquiry is firſt made, into that* Power *which* Chriſtian Princes *have always been allow'd to exerciſe over their* Eccleſiaſtical Synods, *or* Convocations, *with reſpect both to the* Calling *of them; to the* Managing *of them when* Sitting; *and to the* Confirming, *or* Annulling *their* Acts, *afterwards.*

§ 1. TO come then, without any more ado, to the Buſineſs in hand; the *firſt*

firſt and *main Thing* to be conſider'd is this:

"Whether there is any *Law* that *commands* or *permits* the *Sitting* and *Acting* of the *Convocation*; beſides the *abſolute, free Pleaſure* of the *Prince?* And, if there be, *What* that *Law* is? And, *How* far the *Prince* is *obliged* by it?

This I take to be the true *ſtate* of the *Queſtion*, and I ſhall treat of it in this following Method.

I. I will enquire, What *Power, Chriſtian Princes*, in general, have claim'd over ſuch *Convocations*; with reſpect both to their *Aſſembling* and *Acting*, and to the giving *Force* and *Authority* to what is *done* by *them?*

II. I will conſider, Whether our *Kings* have not the ſame *Authority* over our *Convocation*, that all other *Chriſtian Princes* have claim'd over their *Synods?* And

III. Upon this Foundation, I will Examine what this *Author* has alledged to the contrary; and offer what, I conceive, may fairly be replied to it.

And I. Let us enquire, What *Power, Chriſtian Princes*, in general, have claim'd, over their *Synods*; with reſpect both to their *Meeting* and *Acting* firſt; and to the giving *Force*, and *Authority*, to what is done by them?

§ 2. That *Chriſtian Princes* have a Right, not only to *exerciſe Authority* over *Eccleſiaſtical Perſons*, but to interpoſe in the ordering of *Eccleſiaſtical Affairs* too; neither our own *Articles* and *Canons*, nor the Conſent of the *Univerſal Church*, ever ſince the *Empire* became *Chriſtian*, will ſuffer us to doubt. There is no one ſo great a Stranger to the Hiſtory of the *Holy Scriptures*, as not to know what Authority the *Jewiſh Princes*, under the *Law*, pretended to, as to this matter. And how far the *firſt Chriſtian Emperors* follow'd their *Examples*, were other *Authors* ſilent, yet that one Aſſertion of *Socrates* would not ſuffer us to be ignorant; where he affirms, That *ever ſince they became Chriſtians, the Affairs of the* Church *have depended upon them: and the greateſt Synods been aſſembled by their Order, and ſtill* (ſays he) *continue to be aſſembled.*

Artic. xxvii. *Can.* 1, 2.

Hiſt. Eccl. præf. l. v p. 259 C.

It was a famous Saying of *Conſtantine*, the firſt Chriſtian Emperor, to his *Biſhops*; That

That *They indeed were* Biſhops *in things* within the Church, *but that He was appointed, by God, to be* Biſhop, *as to* Thoſe without. And how far the ſucceeding *Emperors* continued to look upon the well ordering, and Governing of the *Church*, to be one great part of that *Duty* which God expected from them; The *Epiſtle* of *Theodoſius* and *Valentinian* to to St. *Cyril*, and the reſt of the *Metropolitans*, whom they ſummoned to meet in the General *Council* of *Epheſus*, abundantly ſhews.

Euſeb. de Vit. Conſt. lib. 4. cap. 24.

Vid. Act. Conc. Epheſ. 1. Part. cap. 32. Adde Epiſt. ad Synod. Ibid. cap. 35.

Let us look into the ſeveral Collections of the *Roman Laws*: * The *Code* of *Theodoſius*: †The *Code* and *Novels* of *Juſtinian*: The yet later || Collection of *Baſilius*, *Leo*, and *Conſtantine*, that followed after: How many *Conſtitutions* ſhall we find in every one of theſe relating to *Eccleſiaſtical Affairs*; to the *Order* and *Government* of the *Church*; to the *Election*, and *Conſecration* of *Biſhops* and *Prieſts*; to the *Lives*, *Offices*, and *Privileges* of the *Clergy*; to the *Erection* and *Liberties* of *Churches*; to the *Service* of them; nay, and even to the

* *De feriis: de nuptiis: de fide Cath. de Hæreticis: de Epiſc. & Cleric. &c.*

† *Lib.* I. *Tit.* 1, 2, 3, 4, 5.

* *Novell.* vi. cxxxvii, cxxxi, *&c.*

|| *Baſil. Fabrot. lib.* 1, 3, 4, 5.

very *Faith* which was to be *taught* and *profeſs'd in Them?* And when the *Empire* began to be parcell'd out into ſeveral leſſer *States* and *Kingdoms*, We find their ſeveral *Princes* ſtill maintaining the ſame *Authority*, as to all theſe things, that the *Emperors* had done before: As from the *Capitularies* of the *French* and *German Princes*; the *Collections* of the *Spaniſh Councils*; our Own * *Antient Laws*, and the *Hiſtories* which remain of the ſeveral Other *Countries*, does evidently appear.

Leg. Ed. Conf. cap. 17. Leg. Canut. ca. 11. Inæ. Præfat. cap. 2. Leg. Edw. & Guthr. cap. 3. Alfred. cap. 39 &c.

§ 3. But of the *Authority* of *Princes* in *Eccleſiaſtical Matters*, and over *Eccleſiaſtical Perſons*, in general, there is no doubt. Nor ſhould there, one would think, be any more; whether *One* great *part* of their *Authority* as to theſe Matters, has not always been accounted to conſiſt, in the *Power* to *convene Synods*, and to order whatſoever relates both to the *aſſembling*, and *acting* of them. And for the better *Proof* of which, I ſhall now diſtinctly conſider what their *Power* is, with reſpect

(1) To the *calling* of ſuch *Synods* or *Convocations*.

(2) To

(2) To the *directing* of their *Proceedings*, when they are Aſſembled. And,

(3) To the *approving* and *confirming* their *Conſtitutions* afterwards.

And (1) Let us conſider, What the *Power* of the *Civil Magiſtrate* is, as to the Convening of *Eccleſiaſtical Synods*, and *Convocations*.

§ 4. It has ever been look'd upon as one great part of the *Prince*'s Prerogative, that no *Societies* ſhould be *incorporated*, nor any *Companies* be allow'd to meet together, without his *Knowledge* and *Permiſſion*. The *Roman Law* was, eſpecially, very ſevere, as to this Particular: And tho' after the Converſion of the *Emperors* to the Faith of Chriſt, a proviſion was made for the *Publick Aſſemblies* of the *Church* for *Divine Service*: yet before that, *Tertullian*, who underſtood theſe matters as well as any one of his time; tho' he excuſed their Meetings upon all Other Accounts, could not deny but that they fell under the *Cenſure* of this *Law*: And that having not the *Prince's* leave to meet together, they were, in the conſtruction of the *Law*, Guilty of Meeting againſt it.

Pand. ff. lib. 47 tit. 22. l. 1.

Tertull. de Jejun. cap. 13.

Ib. Pand. Leg. 3.

Now a *Synod* being no *Ordinary*, or *Stated Convention*; but which was aſſembled only upon *Extraordinary Occaſions*, when the *Neceſſities* of the *Church* required the Meeting of it: As there was no *General Proviſion*, at the beginning, made by the *Laws* for them; ſo it was therefore neceſſary that, in order to their *meeting Lawfully*, the expreſs *Command* or *Allowance* of the *Emperor*, ſhould be had for their ſo doing.

§ 5. And if we look up to the Hiſtory of the firſt and moſt famous *Councils* of the *Church*, we ſhall accordingly find, that They were All Convened by the *Imperial Authority*. Thus *Conſtantine the Great*, not only ſummon'd, but ſat Himſelf in that of *Nice*. * *Theodoſius the Great* both Aſſembled the *Second General Council* of *Conſtantinople*; and, at the deſire of the Fathers, *confirmed* the *Acts* of it. The *Council* of *Epheſus*, the next *General Council*, was not only * *Called* by the Emperors *Theodoſius the Younger*, and *Valentinian*; but that All things might be done decently and orderly in it; they ſent * *Candidian*, as Their *Commiſſioner*, to *preſide* over the *Biſhops*, and

Euſeb. de Vit. Conſt. lib. 1. cap. 1, 2.

* *Socrat. Hiſt. Eccleſ. lib. 5. cap. 8. Sozom. lib. 7. cap. 7. Theodoret. lib. 5. cap. 7, 8.*

* *Vid. Act. Concil. Eph. par. 1. cap. 32, 35, &c.*

and to direct their Proceedings, according to the Instructions which they had given Him for that purpose. And when the Heresy of *Eutyches* gave a new Occasion to the same *Emperors* to Assemble another *Synod*; * They, in like manner, appointed it to meet at the same place; and Commanded *Dioscorus, Patriarch* of *Alexandria*, to preside in it.

* Vid. *Act. Concilii Chalced. Act.* 1.

It was the same Authority, that had caused this *Synod* to meet at *Ephesus*, that, after the death of *Theodosius*, appointed a Review to be made of it, in another † *Council*, which was summon'd first to *Nice*, and from thence was Removed to *Chalcedon*. And this the *Emperors* did not only upon their *Own Authority*; But tho' ‖ Pope *Leo* had desired, with all imaginable Earnestness, that it might have been held somewhere in *Italy*; to which they refused to Consent.

† *Ibid.*

‖ Vid. *Ep. Leonis ad Theodos. Imp. Ep.* 52. 54 & 62 *Ed. Quesnell.*

Such was the Authority, by which the Four first *General Councils* of the *Church*, were Assembled; Nor were the next Four call'd by any other. It was by the express Command of the * Elder *Justinian*, that the *Second General Council* of *Constantinople* met: As it was by the like Summons of † *Constantinus Pogonatus*, that the *Third* in

* Vid. *Ep. Imp. Concil. Const.* ii. *Collat.* 1 *Labb. p.* 419, 422, 423.

† Vid. *Act. Concil. Const.* iii. *Act.* 1 *pag* 607. *Tom.* 6.

the

the ſame City was convened. And becauſe in theſe two, no *Canons* were made for the *diſcipline* of the *Church*, * *Juſtinian* the younger, call'd another *Council* to ſupply that defect; and confirm'd the *Canons* that were made by it.

* *Concil. Trull. apud Beverег. Pandect. Tom.* 1 *p.* 153. *E. F.*

The *ſecond Council* of *Nice*, thô ſcarce right in any thing elſe, yet in this was Orthodox, that it was aſſembled by the Authority of † *Irene* the *Empreſs*, and her Son *Conſtantine*. And laſtly, the Fourth of *Conſtantinople*, the laſt of the *Eight general Councils*, was in like manner held by the conſent of ‖ *Baſilius* the Emperour, and Approved by Him.

† Vid. *Act. Conc. Nicæn.* ii. *Act.* 1. *pag.* 50. *Tom. Lab.* 7.

‖ *Act. Con.* 4. *Conſt. Act.* 1. *Tom.* 8. *pag.* 1279. *C.*

§ 6. This then was the *Power*, which the *Chriſtian Emperours* claim'd over the *Greateſt Councils*; and which thoſe *Councils* always acknowledged to be due to Them. If from theſe we paſs on to the *Leſſer Synods* that were aſſembled in thoſe days, we ſhall find the *Authority* of the *Civil Magiſtrate* to be ſtill the ſame: And that Theſe alſo were either *expreſly convened* by Them, or were ſummon'd by ſome *Authority* that was, *derived* from Them.

When

When the *Donatists*, being Angry that they could not gain their Ends upon *Cæcilian*, desired that an Examination might be made of their Case, by some *foreign Bishops*; *Constantine* the *Emperour* granted their Request: And in Order thereunto appointed a meeting to be held at *Rome*, upon that Affair; and that *three French Bishops*, should be joyn'd to *Fifteen* out of *Italy*, for the Hearing of it. And *These*, together with the *Bishop* of *Rome*, by the * *Emperours Command*, judged of this Matter. And when those turbulent Men were not yet satisfied; to put a final end to their Contentions, He caused a Greater Number of *Bishops* to meet in a *Synod* at † *Arles*, and there *Review* the same *Cause*, and *pass* a *final Judgment* in it.

* *Concil. Rom. sub Constant. To. 1. Lab. p.* 1403. 1406.

† Vid. *Act. Conc. Arelat. ib. pag.* 1411.

To enumerate all the several Instances that remain to us, of *Councils* call'd, in like manner, by the *Imperial Authority*; would be as *Infinite*, as it is *Needless*. It may suffice to say, that what *Constantine*, thus began, the succeeding *Emperours* constantly held to; And suffer'd not any Assemblies of the Clergy to be made, but by their *leave*, and according to their *Direction*.

Et *Euseb. Hist Eccl. lib.* x. *c.* 5.

'Tis true there was a General Order made by the Fathers of the Council of *Nice*,

Vid. *Conc. Nicæn.* 1. *Can.* v.

Nice, that for the better Regulation of the *Churches Affairs*, the *Biſhops* of every *Province* ſhould meet together, in a *Provincial Synod*, under their *Metropolitan*, twice every Year. And this *Council* being not only confirm'd by *Conſtantine*, who call'd it, but by almoſt all the *Emperors* that follow'd after; and particularly, the *Conſtitution* now mention'd, being provided for, and adjuſted by the *Civil Laws* themſelves; ſuch *Councils*, from thenceforth, became *Legal Aſſemblies*; and were, of Courſe, *allow'd* of, tho' not expreſly *conſented* to by the *Emperors*.

Vid. Balſam. in Can.

Vid. Epiſt. Theodoret. 80, 81, 82. And yet when *Theodoret* began to be too buſie in calling the *Biſhops* together, *Theodoſius* not only laid a *Prohibition* upon him; but confined him to *Cyrus*, his own little *See*, as a Puniſhment for what he had before done. So little was it then thought a matter of *Right*, for the *Clergy* to meet, as often as they thought good, in *Synods*: Or that any Injury was done them by their *Princes*, when they refuſed to ſuffer them ſo to do.

§ 7. But it may be theſe *Emperors* had ſome eminent Authority in them which ceaſed together with the *Empire*; and which other *Princes*, tho' of *Sovereign Authority* within

within their ſeveral *Kingdoms*, yet ought not to pretend to. That this is not ſo in *Civil Matters*, I ſhall leave it to the Writers of *Politicks* to argue; and to the *Municipal Laws* of their ſeveral *Kingdoms* to ſhew. As for what concerns their *Eccleſiaſtical Authority*; it is evident that in This, as in all other Reſpects, whatſoever *Power* the *Emperors* heretofore laid claim to in the *Whole*, the ſame theſe *Princes* have continued to aſſert, within their own *particular States* and Dominions.

When the *Vandals* had over-run the greateſt part of *Africa*; and by their Authority ſet up the *Arrian Hereſie*, in Oppoſition to the *Catholick Faith*, which before prevail'd in thoſe Parts: *Hunericus* their King, at the deſire of his *Arrian Biſhops*, ſummon'd a *General Convention* of all the *Catholick Biſhops* to meet at *Carthage*; and there confer about the Point in difference between them. And accordingly, upon his Summons, they all came thither; and refuſing to renounce the Terms of the *Council of Nice*, were deprived of their *Biſhopricks*, and ſent into Baniſhment by him. *Concil. Labb. To. iv. p. 1177. ad An.* 484.

But better was the Succeſs of the *Orthodox Biſhops*, in their next *Conference*, held

held by the like *Authority*, under *Gundebald* at *Rome*; An. 499: Who at the Requeſt of the *Catholick Clergy* conſented to their Meeting, and was greatly ſatisfied at their Behaviour in it.

Vid. Collat. S. Avit. cum Arrian. ib. *p.* 1318.

It was not long after this that, as *Baronius* himſelf confeſſes, *Theodorick* ſummon'd another *Synod* at *Rome* to judge of the Crimes alledged againſt *Symmachus* Biſhop of that See; and ſubmitted the Determination of that Affair to their Reſolution. And when *Cæſarius*, Biſhop of *Arles*, deſired to convene a *Provincial Synod* in *France*; according to the direction of the *Antient Canons*, and the Allowance of the *Laws* to that purpoſe: Yet he did not think it fitting ſo to do, till he had obtained the Conſent of *Alaric* the *Goth* for it; And it is expreſly noted, that it was held by his Allowance.

Ad Ann. 502.

Concil. Agath. An. 506. *Præf.* *Cum in nomine Domini, ex Permiſſu Domini noſtri Glorioſiſſimi, Magnificentiſſimique Regis, in Civitate Agathenſi, Sancta Synodus convenisset.*

What *Cæſarius* here did with reſpect to *Alaric*, an *Arrian Prince*; the ſame did *Avitus*, Biſhop of *Vienne*, with regard to *Sigiſmond*, the Son of *Gundebald*, King of the *Burgundians*; whom he had not long before converted to the *Catholick Faith*. He call'd even his *Provincial Synod*,

Vid. Act. Conc. Epaonens. An. 517. *Procem.*

nod, with the King's Consent: And tho' himself *Metropolitan* of that District, yet *presided* in it by the *Prince's Order*.

Such was the Authority by which these lesser *Synods* were wont to be held, immediately upon the breaking of the *Empire*. And that thus it continued, till the Prevalence of the *Papal Power* began to overthrow the *Prince's Right*, will appear from a short View of this matter, in some of the principal *States* which arose out of the Ruins of it.

§ 8. And, 1. That this was so, in the Kingdom of *Spain*, the Councils of *Toledo*, the most eminent of Any in that Country, both for *Number* and *Authority*; sufficiently demonstrate. That the *Second* of these was call'd by the Permission of *Amalaric*, the *Synod* it self owns. But the *Third*, and I think the most considerable of them all, is yet more full to our present purpose. It was a *General Council* of that whole *Nation*: In it the *Goths* abjured their *Heresie*, and embraced the *Catholick Faith*. This *Faith* was first establish'd in *Spain*, by the Authority of this Council; and several very useful *Canons* were framed by it, for the *Government* of the *Church* for the Time to come. And all

Vid. Capit. Conc. Toletan. ii. *in fin.*

Vid. Act. Conc. Tol. iii. An. 589.

all this was done by the Command of *Reccaredus* their *King*: Who with *Badda*, his *Queen*, ſubſcribed to the *Orthodox Faith* in it; and made not only his *Biſhops*, but the chief of his *Nobility*, and others, ſubſcribe to it.

It would be needleſs for me, after ſo clear an Evidence, as this *Synod* has given us, of the Authority by which *Councils* were antiently Convened in *Spain*; to ſpend any long time, in the particular Examination of the ſeveral Councils that follow'd after. It ſhall therefore ſuffice barely to ſay thus much; that the Fourth of *Toledo* (Another *National Council*, and of great Authority in thoſe parts) met by the Order of *Siſenandus*, as the Third had done by that of *Reccaredus*. The Fifth by the Command of *Cinthila*, who alſo *confirm*'d the *Acts* of it. The Sixth of *Cinthilan*: The Seventh of *Chindaſwind*: The Eighth of *Recceſwinthus*: The reſt by the Order of the ſeveral *Princes* which follow'd after: As from the Acts of the Fifteenth and Sixteenth, the laſt of theſe *Synods*, it does evidently appear.

Act. Conc. Præf. Et in conclus. ante ſubſcript.

Vid. Act. hor. Concil. apud Labb To. v. p. 1735. 1739. 1740. 1749. 1836. & To. vi. 394 1294. 1328.

As for their *Provincial Synods*, they were not indeed always ſummon'd by the expreſs, particular Order, of thoſe *Princes*. But yet, even *theſe* were held by

by Vertue of that Authority, which the Third Great *Council* of *Toledo*, under *Reccaredus*, before mention'd, had given to them. It was by vertue of this Allowance that the *Synods* of *Narbonne*, and *Saragoſa*, were aſſembled; and in Both which, for that Reaſon, it is ſaid, that they met according to the Order of that *Prince*, and to the Appointment of that *Council*.

Vid. Can. 18. Conc. iii. Toler. *Concil. Narbon. An. 58. in Præf. Et Cæſar auguſtan. ii. An. 592.*

§ 9. 2. And the ſame Authority which theſe *Kings* uſed in *Spain*, did their next Neighbours, the *Suevian Princes*, exerciſe in *Galacia*, during the time of their Empire there.

Concil. Bracar. ii. An. 563. Præf. The *Second Council* of *Braga*, the Metropolis of that Country, is expreſly declared to have met at the Command of *Ariamirus*, or as ſome have rather thought, of *Theodimirus*, their *King*. It was by the ſame Authority that the *Synod* of *Lugo*, not long after, was aſſembled; to divide the Country into ſeveral *Provinces*, and to erect a greater number of *Biſhopricks* in it. And when by Vertue of this Diviſion, the *Clergy* of that Country were come together in two *Provincial Synods*, under their reſpective *Metropolitans*, according to the *ancient Canons* in

Concil. apud Lucum. An. 607.

Vid Act. Conc. Bracar. iii. in Præfat.

that behalf; *Miro*, his Succeſſor, order'd them to meet both together in a *General Council* at *Braga*; and there agree upon ſuch *Conſtitutions*, as they ſhould find the Neceſſities of the *Church* to require.

§ 10. 3. If from hence we croſs over to the Kingdom of *Burgundy*; we ſhall find thoſe *Princes* in poſſeſſion of the ſame *Rights* over their *Synods*, that the other Kings have been ſhewn to have exerciſed.

The Inſcription of the *Second Council* of *Lyons*, aſſembled about the Year 567, ſhews that it was call'd by the Command of *Guntramn* their King: who alſo not long after aſſembled another *Synod* at *Challon*, as *Gregory* of *Tours* informs us. It was by the Order of the ſame *Guntramn* that the Great Council of *Maſcon* was held: And when that had not ſufficiently reſtored the *Diſcipline* of the *Church*, he not only aſſembled another at * *Lyons*, but more in ſeveral other places; † at *Valence*, *Poitiers*, *Maſcon*, &c. all whoſe *Acts* expreſly avow the Authority by which they met.

Hiſt. lib. v. cap. 28.

Vid. Concil. Maſſcon. 1. in Præf. An. 581.

* *Greg. Turon. Hiſt. Franc. lib. vi. cap. 1.*

† *Vid Concil. Labb. To. v. pag. 976. 980. 1593. &c.*

§ 11. 4. In *Germany*, *Carloman* firſt, and then *Charles* the *Emperor*, as they were the great

great Reſtorers of Religion, and Aſſertors of the Diſcipline of the Church; ſo will they afford us a ſufficient proof of the *Prince's Authority*, in this particular.

It was the former of theſe who, with the Advice of his Clergy and Nobles, called the Council of *Ratisbon*, which is accounted among the Firſt of *Germany*, An. 742. And how the Other continued, by the ſame Authority, to ſummon the like Aſſemblies, the ſeveral *Synods* of *Wormes*; *Valenciennes*; *Aix la Chappelle*; but eſpecially the two Great Councils of * *Mentz* and † *Frankford*; (in the latter of which not only the *Biſhops* of *Germany*, but of *France*, and *Aquitain*, were aſſembled together, and over all Whom *Charles* the *Emperor* preſided;) abundantly ſhew.

Concil. Germ. i. *apud Lab.* To. vi *Præf.* *Lab. Conc. ib p.* 1725. 1726. 1793. *To.* vii. *p.* 1151. 1152. * *An.* 813. *vid. Act. Concil. in Præfat.* † *Vid. Ep. Synodic. ad Præſul.*

No ſooner was this great Prince dead, but *Ludovicus Pius*, his Succeſſor, after his Example, call'd together his Clergy to *Aix-la-Chappelle*; for the *correction of the Negligence and Ignorance of the Biſhops, and for the better regulating of the Lives of the Clergy.* And having fully determined whatſoever was thought expedient in Order thereunto; he commanded a ſtrict Obedience to be paid to the *Conſtitutions* which had been made by them. And when this did not yet ſufficiently correct

Hiſp. num. iii. *& in Canon* i. *Concil. Aquiſgran. Præf. An.* 816. *Vid. Epiſt. Ludov. Imp. ad Stchar. Arch. Burdegal. ibid.*

the Abuſes of thoſe times; He not only *ſummon'd* a *Second Council* to meet at the ſame place, but being met, he propoſed to them ſuch *Heads* as he conceived to be farther neceſſary, with reſpect both to the *Lives*, and *Doctrine*, of the *Biſhops* and *Clergy*; and order'd the *Synod* to frame their Debates upon them.

Vid. Act Conc. Aquiſgr. ii. An. 836.

When this *Emperor* was dead, and the Difference between his Sons appeaſed; *Lewis* (to whom the Government of *Germany* fell) after his Father's Example, call'd the Great Council of *Mayence*; to regulate thoſe Diſorders which the late Diſtractions had brought into the Church. And becauſe many things remain'd which could not then be ſufficiently provided for; He, the next Year after, aſſembled another *Synod* for the Determination of them. It was about twenty Years after this, that the ſame *Lewis* convened a *General Council* at *Wormes*; and there, in like manner, order'd many things relating both to the *Faith*, and *Diſcipline*, of the Church.

Vid. Conc. Mogunt. i. in Praf.

Vid. Act. Conc. Wormat. An. 868.

It was not long after, that *Arnulph*, his Nephew, having obtain'd the Empire, call'd together (in like manner) his Biſhops to a Great *Council* at *Trebur*; preſided, and aſſiſted in it: and cauſed what

Vid. Conc. Trebur. apud Lab. To. ix. p. 440. 467.

was

was done not only to be subscribed by the *Bishops* whom he had Assembled, but to be confirm'd by a great number both of the *Inferior Clergy*, and of the *Laity* of the *Empire*. And, lastly, not to mention any more; *Henry the First*, after the Example of his Predecessors, by his *Princely* Command, assembled the great *Synod* at *Erpsford*; with the Advice of his *great Men*, and particularly of *Archbishop Hildibert*, who was chiefly consider'd by him. *Ibid* p. 591.

§ 12. 5. And now having thus fully shewn what was the Practice of these *Princes* in *Germany*, I might spare my self, and *Reader*, the trouble, of enquiring into the Methods used in *France*; which was generally either in the same Hands, or Govern'd by Those of the same Family, that the *Empire*, in those days, was. Yet because I think the *Ecclesiastical Discipline*, was no where better kept up, or more exactly follow'd, than in that Country; and that I conceive our own *Synods* were very much framed by the pattern of Theirs; I will take a short View of their *Conventions* also, and so conclude these *first general Remarks*.

To begin then with the *firſt* of their *Chriſtian Kings, Clouis the Great*: And here we find that he not only Called the *firſt Council* of *Orleans* (and which has ever been look'd upon as the *Model* and *Pattern* to all their ſucceeding *Synods*;) but moreover Preſcribed to it the *Points* on which it was to debate: And all this at the Deſire, and with the Advice, of St. *Remigius*; as *Hincmarus*, in the Hiſtory of his Life, informs Us.

Vid. *Act. Conc. Aurelian. i. Præf. Anno* 511.

It was by the like Command of *Childebert*, and his *Brethren*, that the *Second Council* of the ſame Place was held. The *Synod* of *Clermont*, the next, of any Conſequence, that met in *France*; aſſembled with the Conſent of King *Theodebert*: And ſo did that of *Tours* afterwards, with the like Conſent, and Allowance, of *Charibert*.

Conc. Aurel. ii. An. 533. *Præf.*

Conc. Arvern. An. 535. *Præf.*

Conc. Tur. ii. Anno 567. *Præf.*

The Fifth *Council* of *Paris*, not only declares that it was Aſſembled by the *Authority* of *Clotharius*; but tells us that their Aſſembling by his *Authority*, was (as indeed it was) agreeable to the Conſtitutions of the Antient Fathers, who had gone before Them. And the *Synod* of *Chalons* Owns, in like manner, that it met together in Obedience to the Call and Command

Conc. Par. v. Præfat. Cum in dei nomine, ſecundum SS. Patrum Conſtitutionem — Ex Evocatione Gloriioſiſſimi Principis &c. — Concilio Synodali conveniſſemus, &c.

Command, of *Clouis the Second*, their *King*. *Conc. Cabilon. An.* 650. Ex Evocatione vel Ordinatione Gloriosissimi Domini Clodovei Regis.

It was by the *Royal Authority* of *Pepin*, that a *General Council* was held in his *Palace* at *Vernis*, Anno 755. Of *Charles the Great*, that the *Second Council of* **Rhemes*, and the *Third of Tours*, were convened. Of *Louis* the *Emperor*, and his Son *Lotharius*, that the †*Sixth Council of Paris* was called. And lastly, not to instance in any more, of *Charles the Bald*, that the ‖*Synod of Quierzy* was assembled; for Reforming Mens Manners, and to put a Stop to that Corruption in point of *Faith* too, which was, about that time, supposed to be breaking out in *those Parts*. Vid. *Conc. Vernens. in Præf. Concil.* **Rhem.* ii. *Anno* 813 *Præf.* *Con. Tur.* iii. *Ibid. Præfat.* †*Conc. Parisi.* vi. *An.* 829. *Præf. ap. Labb. Tom.* vii. *p.* 1594. 1596. ‖ *An.* 849, & 53.

What the Practice of our *own Country* has been as to this matter, I shall particularly consider, when I come to Enquire into the *Rights* of our *Own Kings*, in this Respect. In the mean time, from the Account which has hitherto been given of that Authority, by which the *Bishops* and *Clergy* have been wont to be called together into *Synods*, it Appears; that as, in Fact, no *Councils* have met without the Permission of the *Civil Magistrate*, ever § 13.

ſince the Empire became *Chriſtian*; So neither does it appear, that the *Clergy* have ever made any Complaints againſt Them, as uſurping herein upon the *Rights* of the *Church*; or pleaded any *Privilege*, as of *Divine Authority*, for their *Meeting*, and *Acting* againſt their *Conſent*.

But to the End it may the more Evidently Appear how far the *Power* of *Chriſtian Princes* has been accounted to Extend, as to this Particular; I ſhall to that General Deduction, I have now made, of the *Authority* by which the *Church* has been accuſtomed, from the Beginning, to meet together in *Councils*; ſubjoin a few more particular Remarks, for the better clearing of this whole matter.

§ 14. And (*1ſt.*) It may be obſerved, that tho' the *Civil Magiſtrate* has generally *Adviſed* with his *Biſhops*, and *Clergy*, upon theſe Occaſions; and ask'd their Opinion, whether it were fitting, or not, to *call* a *Synod*, before he has given Orders for the meeting of it: Yet was this never look'd upon as any matter of *Right*; but, on the contrary, *Princes* have oftentimes aſſembled ſuch *Councils*, without ever conſulting Them at All; and, at others, when their *Biſhops*, have not only *Adviſed*, but *Deſired* them ſo to do, have yet,

upon

upon their *Own Judgment*, or by the *Advice* of their *Council*, utterly refuſed to comply with their Requeſts.

If we look into the *Acts* of the ſeveral *Synods* I have before mention'd; we ſhall find indeed, ſometimes, that the *Advice* of the *Biſhops* was taken for their Meeting; but we ſhall oftner find them call'd by the *Prince*, with the *Advice* of his *Great Men*; and yet oftner, no notice at all taken of the *Advice* of *Either*.

How often did *Liberius*, and the *Catholick Biſhops*, in vain, petition *Conſtantius*, that a Free, and Orthodox *Council* might be Call'd to judge in the Caſe of *Athanaſius*; but could never Obtain it. And tho' the method taken by that *Emperor*, to manage that Affair in Favour of the *Arians*; and the Refuſal of ſuch a *Council*, as was deſired, was the Effect of that Enmity he had conceived againſt Them, and their Doctrine; yet we do not find the *Catholick Biſhops* any where complain, that, in this, the *Emperor* did any more than what he had *Authority* to do; or pretend to any *Original*, *Eccleſiaſtical Power*, left them by *Chriſt*, to call ſuch a *Synod* whether He would or no. But, on the contrary, notwithſtanding the Urgency of that Affair, and the eager Deſire

Vid. *Frag. Hilarii. p.* 457, 485, *&c.*

Deſire they had to end it; neither *Liberius*, nor Any others, attempted to meet againſt the *Emperor*'s Command; but quietly ſubmitted to the *Prohibition* he had laid upon Them, not to do ſo. So little did the greateſt *Biſhops* of the *Church*, in thoſe Days, think it lawful, to hold a *Council* againſt the *Prince's Will*; that being forbidden by an *Heretical Emperor*, and that againſt all Right and Juſtice, on purpoſe that he might Oppreſs Them, ſo to Do; They yet ſubmitted to his Commands, and choſe rather to ſuffer by their Obedience, than to Uſurp an Authority, which they were ſenſible did not belong to Them.

But leſt this ſhould be thought to have been only the Perverſeneſs of an *Heretical Prince*; we ſhall find the ſame *Power*, both *Claim'd*, and *Exerciſed*, by the moſt *Orthodox Emperors*; and ſuch as were, in all Reſpects, the moſt zealous for the *Churches* Intereſt.

When *Eutyches* began to corrupt the *Chriſtian Faith*, and it was thought neceſſary, that a *General Council* ſhould be call'd, to put a ſtop to his Erorrs; *Leo*, Biſhop of *Rome*, petitioned *Theodoſius*, with all imaginable Earneſtneſs, that He would conſent to let a *Synod* be aſſembled

Vid. *Epiſt. Leon. M. ad Theod.* ix. & xii. *Ed. Quesnell.*

in

in *Italy* for the Judging of it. This the *Emperor* utterly Refuſed to do, and Order'd the *Council* to be held at *Epheſus*: and the Good *Biſhop* was ſo far from Complaining of it, that he ſubmitted to his Summons, and thank'd him that he would, at leaſt, vouchſafe to have it there. And when, by the Practices of *Dioſcorus*, that *Council* anſwer'd not what was Expected from it; The ſame *Leo*, not only ſupplicated the *Emperor* again, with *tears* and *groans*, in the Name of all the *Biſhops* of the *Weſt*, that he would Command another *Council* to be held ſomewhere in the *Weſt*, to determine that Affair; but moreover engaged *Valentinian*, and *Eudoxia* his Wife, with many others of the Greateſt Note, to join in the ſame Requeſt with him. But *Theodoſius* not only now refuſed him as to the *place*, but deny'd him as to the calling of any Other *Synod*; nor would He be perſuaded to ſuffer any other to meet as long as He lived.

Ibid Epiſt lxxiv. *Liberat. Brev. cap.* 12. *Act. Conc. Chalced. par.* 1.

Ant. Hiſt. par. iii. *tit.* 22 *c.* 13. *Et Leont. de Sect. Act.* 4.

And this brings me to a (2*d.*) Obſervation, which ought to be taken notice of, upon this Occaſion; *viz.* That whenever the *Civil Magiſtrate* has refuſed to Call a *Synod*; tho' the Affairs of the § 15.

the *Church* have never ſo much ſeem'd to ſtand in need of One, and the *Biſhops* have never ſo Earneſtly deſired One; yet have they quietly ſubmitted to the Refuſal; and not preſumed, on any Pretence of *Right* which they had in Themſelves, to meet together, *without* his *Leave*, or *againſt* his *Conſent*.

So *Liberius*, and the *Catholick Biſhops*, did to *Conſtantius* firſt; and *Leo*, and the *Weſtern Biſhops*, to *Theodoſius* afterwards. And I believe it would be difficult in thoſe beſt, and moſt early times of the *Church*, to find out any Inſtance, wherein the *Orthodox Biſhops* have ever departed from this *Rule*; or (which is much the ſame thing) have ever been juſtified by the Church, in thoſe Caſes, in which they have departed from it.

§ 16. Nay but (3*dly*.) Tho' the *Council* of *Nice* firſt, and, after that, ſeveral Other *Synods*, provided for the Conſtant Meeting of *Provincial Councils*, at a certain Seaſon every year; and theſe being allow'd of by the *Emperors*, and Other *Princes*, who confirm'd thoſe *Canons*, and Approved of what They had Defined; may ſeem to have put theſe kind of *Synods*, at leaſt, out of their Power: Yet, even

even in theſe, we find Them ſtill continuing to Exerciſe their *Authority*; And not ſuffering even ſuch *Councils* to be held, without their Leave, or againſt their Conſent.

I have before obſerved how *Theodoſius* the Emperor reſtrained *Theodoret*, when he thought him too buſy in calling together the Biſhops to theſe Leſſer *Synods*. And when, in after times, *Wolfolendus* Biſhop of *Bourges*, ſummon'd a *Provincial Council*, according to theſe *Canons*, to meet at the beginning of *September*; yet having neglected to conſult the *King's* Pleaſure in it, we find *Sigebert*, for that Reaſon alone, ſent a *Prohibition* to his *Biſhops* to go to it. And it is worthy our notice, for what Reaſon he put a Stop to its aſſembling. "He profeſſes he was "well content that they ſhould meet "ſome *Other Time*; always provided "that they firſt made *Him acquainted* "with it; that ſo he might Conſider "whether he ſhould *allow of it*, as pro-"per either for the *State* of the *Church*, "or for the *Benefit* of *the Kingdom*; or "*Otherwiſe fit* to be *conſented to*.

Epiſt. ad Deſiderium: Capit. Baluz. Tom. 1. p. 143.

And

Act Conc. Paris. lib. 1. cap. 26. And therefore when the Fifth *Council* of *Paris* had reſolv'd, that it was Expedient that *Provincial Synods* ſhould be held every Year, according to the Orders of the *Church*, and the *Canonical Cuſtom* eſtabliſh'd in it; They made it their Re-

Ibid. l. 3. cap. 11. queſt to *Louis* the *Emperour*, and *Lotharius* his Son, that they would conſent, that at a fit Seaſon every Year, they might be Aſſembled. This Requeſt was again Renew'd, ſome Years after, in a-

Conc. apud Sapon. par 6. cap. 7. nother *Synod*: And yet, notwithſtanding theſe *General Permiſſions*, before they did come together, they were to have a *particular Warrant* for their ſo doing; as is evident from the *Acts* of the *Synod* of

Capit. Sir. Tit. 11. Epiſcopis juxta inſtitutaCanonum Synodum celebrare volentibus annuit idem Rex Soiſſons, which was held about the ſame time that thoſe very *Orders*, I have now mention'd, were made. So intirely has the *Aſſembling* of *Synods*, been look'd upon to depend upon the *Will* and *Authority* of the *Chriſtian Prince*. But this is not all: For,

Carolus, eoſque apud Urbem Sueſſionum —— Convenire præcepit.

§. 17. (4thly) When it was reſolv'd that a *Synod* ſhould be held, the *Prince* evermore either determin'd, or allow'd, both the *Time*, and *Place*, of their Meeting.

This

This is evident from the very *Acts* of all those *Synods* of which any Perfect Accout remains to Us; and is most apparently confirm'd, by the *History* of the most *Antient Councils* of the *Church*.

I have before observ'd how *Theodosius* not only Appointed the *Council*, which he had order'd to meet about the Affair of *Eutyches*, to assemble at *Ephesus*; but utterly refus'd the Request of *Leo*, and his *Bishops*, who earnestly desired it might have been held in *Italy*. But *Marcian* the *Emperor* went farther: He not only Summon'd the *Fourth General Council* to *Nice* first, and then to *Chalcedon*; (tho' requested in like manner, as *Theodosius* had been, by the *Bishop* of *Rome*, and his *Suffragans*, that it might meet in *Italy*;) but when, being press'd in time, *Leo* petition'd the *Emperor* that he would defer it but a little while, for his greater Convenience, *Marcian* refus'd him That also; and the Good Man contentedly yielded to him in both.

Vid. Leon. Epist 69. ad Marc. Cas. p 568.

Such Power did the antient Emperors assume to themselves, over their *Bishops*, as to these *Circumstances*: Nor did the following *Princes* claim any less. When *Pepin* resolv'd that Two *Synods* should be held in *France* every Year; He not only

Vid. Cap. Reg. Fran. Bal. T. 1. p. 169. num. IV.

ly ſpecify'd the time for Both, *viz.* the firſt of *March*, and of *October*; but reſerv'd the Nomination of the *Place* where the *Former* ſhould meet to his own Appointment; and for that of the *latter*, determin'd that it ſhould either be at *Soiſſons*, or at ſuch other place, as the *Biſhops*, ſhould *agree* upon in their *firſt Aſſembly*. And *Ludovicus Pius* having thought fit, for the better ſettling of the *Eccleſiaſtical diſcipline*, to have Four *Synods* meet at Once; that ſo they might ſeparately Conſider of the State of the *Church*, and then their Opinions be altogether laid before him, in one Common View; not only Order'd this diſtribution of them, but determin'd withal both the *Time*, and *Places* of their *Meeting*, and after what Manner they ſhould proceed, being *Met*.

Cap. Ann. 828. *Tom.* 1. *Baluz.* *p.* 624.

§. 18. But (5thly) And to conclude all: That nothing may be wanting to ſhew, what an entire dependance the *Synods* of the *Chriſtian Church* have ever had upon their reſpective *Princes*; I add; That not only the *Convening* of them, and the *Time*, and *Place*, of their Meeting, depend upon their pleaſure; but that they have, morever, Authority to appoint what *Perſons* ſhall come to them, and to direct

direct the *Choice* that is to be made of them.

Thus *Conſtantine* the *Great* did, when he call'd the *Synods* of *Arles* and *Tyre*; And thus his *Succeſſors* continued to do, in the moſt *General Councils* that were held by them. When *Theodoſius* had agreed to call the *General Council* of *Epheſus*, He directed his Precept to the ſeveral *Metropolitans*, and commanded them to chooſe ſuch, and ſo many, of their *Suffragans*, as they thought convenient to draw out of their *Provinces*, and to bring them with them to the *Council*. And the ſame Method was obſerv'd in the next *Synod* that met there. The *Emperor* commanded *Dioſcorus* to Summon *ten Metropolitans* of his *Diſtrict*, with ſuch other *Biſhops* as he thought convenient; and that none elſe ſhould preſume to come to it. And in another Letter, upon the ſame Occaſion; the ſame *Theodoſius* appointed *Barſumas* the *Prieſt*, to come to the ſame *Council*, and appear in it as Repreſentative of all the *Archimandrites* of the *Eaſt*.

Euſeb. hiſt. Eccl. lib. 10. cap 5. 43.

Vid. Act. Eph. Conc. p. 1. c. 32.

Vid. Act. Con. Chalced. Act. 1. pag. 99. Ed. Labb.

Ibid. pag 103. 109.

It was after the ſame manner, that *Marcian* the *Emperour*, Aſſembled the Fourth *General Council* at *Chalcedon*. He wrote to the *Metropolitans* to come to it,

Acta Concil. Chalced. ib. par. 1. *num.* 56.

and left it to them to bring ſuch of their *Suffragan* Biſhops, as they thought fit, along with them. And when the *Princes*, who follow'd after, ſummon'd their *National Synods*; they, in like manner, directed the Choice of thoſe who were to come to them; as we ſee in the *Synods* of *Vernis*, and *Aix la Chappelle*; aſſembled by *King Pepin*, and *Charles* the *Emperor*, *An.* 755. 816.

Capit. Synod. Vernens. n. iv. *p.* 170. *To.* 1. *Baluz.*

Capit. Aquiſgran. Ann. 816. *Prolog. Imp. ibid. pag.* 562.

'Tis true the *Metropolitans*, in theſe Caſes, did oftentimes call a *Provincial Synod*; and therein agree, who among them ſhould attend upon their *Primate* to the *General Council*. But neither did they always take this Courſe; nor, when they did, had they any Direction from the *Emperors* ſo to do. They only ſent their Orders to the *Metropolitans*; and commonly left the reſt to them, to chuſe ſuch *Biſhops*, out of their *Provinces*, as they thought fit.

As for the leſſer *Synods*, tho' the *Princes* did not often interpoſe in them, yet neither was there any choice left to the *inferiour Clergy*, to nominate the Members of Them. To the *Provincial Synods*, all the *Biſhops* of the *Province* were obliged,

ged, if able, to come. And they brought with them, for their Companions, ſuch of their own *Prieſts* and *Deacons* as they thought fit. At the *Dioceſan Synod*, every beneficed *Prieſt* of the *Dioceſe*, was required to appear: And they had not ſo much a *Right*, as an *Obligation*, lying upon them, to be preſent at them.

§ 19. And thus have I ſhewn what the Authority of the *Supreme Civil Magiſtrate* is, as to the Buſineſs of *Aſſembling Eccleſiaſtical Synods*, or *Convocations*. And the Sum of what I have proved, is, in ſhort, this: * That it is the *Right* of *Chriſtian Princes* to *call* ſuch *Aſſemblies*; and that they cannot *lawfully meet*, but as they are either *commanded*, or *allow'd* of by *Them*. * That *They*, and not the *Clergy*, are *Judges* when it is proper to *Convene* them: * And ought not to be cenſured for not aſſembling of them, when they are perſwaded it is *Needleſs*, or would be *Inexpedient* for Them ſo to do. * That even the *Ordinary Synods*, *required* by the *Canons*, and *allow'd* of by *Themſelves*, may yet upon *juſt Grounds* be ſtop'd by them: (And when there is a *juſt Reaſon* for them ſo to do, they are to judge:) And being ſo *prohibited*, cannot be *lawfully Aſſembled*.

In ſhort; * That when-ever they do meet, the *Prince* is not only to *appoint*, or at leaſt to *approve*, of the *Time*, and *Place*, of their *Meeting*; but may give Direction for the *Choice* of the *Perſons* that are to compoſe them: That ſo he may be ſatisfied that they are ſuch, whoſe *Piety* and *Temper*, have fitted them to ſerve the *Church*; and in whoſe *Prudence*, and *Conduct*, himſelf may ſafely confide.

It were an eaſie matter to argue the Reaſonableneſs of every one of theſe *Concluſions*, from the *Ends* of *Civil-Government*; and the *Power* that is neceſſary to be placed in the Hands of the *Supreme Magiſtrate*, in order to thoſe *Ends*. And I need not ſay that Chriſtianity came not to Uſurp upon the *Civil Power*, but rather to engage Men to be the more ready to render that Duty, which they owe, to it. 'Tis true, by theſe means, the buſie Tempers of ſome forward Men may be reſtrain'd; and to ſuch theſe *Limitations* may ſeem very Odious, and Unreaſonable. But they are ſuch Men, and ſuch Tempers, that make theſe Reſtrictions neceſſary: And their Unwillingneſs to ſubmit to them, ſhews but the more clearly, how fitting it is that *Princes* ſhould have all that *Power* I have now mentioned,

ed; to prevent them from doing both *Themſelves* and the *Church* a Miſchief.

That *Princes* may abuſe this Power to the Detriment of the *Church*, is no more an Argument that they ought not to enjoy it; than it would be, that they ought not to be entruſted with a *Civil Power*, becauſe they may abuſe that too, to the ruine of the *State*. But I am apt to believe, that were the Dangers to be weigh'd, it would be much more fatal both to the *Church* and *State*, to have ſome Men intruſted with an *Immoderate Liberty*; than others with a *Soveraign Power* to reſtrain them. And 'tis enough to anſwer all Pretences of this nature, to ſay, that whenever the *Civil Magiſtrate* ſhall ſo far abuſe his *Authority*, as to render it neceſſary for the *Clergy*, by ſome extraordinary *Methods*, to provide for the *Churches Welfare*; that *Neceſſity* will warrant their taking of them. In the mean time, ſuch an *Authority* as I have now ſhewn, the *Prince* has in theſe Matters; and till things come to ſuch an Extremity, we muſt leave him, as of *Right* he ought, to enjoy it.

And this may ſuffice for the Firſt thing propoſed in this Enquiry; *viz.* To ſhew, What *Power* the *Chriſtian Prince* has, in the *calling* of *Eccleſiaſtical Synods* or *Convocations*.

I go on (*2dly*) To consider, What *Authority* He has over Them, when They are Assembled?

§ 20. Now that may, I conceive, be reduced to these (2) Particulars:

[*1st*] Of his *Authority* to *Direct*, and *Govern Them*, in their *Proceedings*. And,

[*2dly*] To *sit with*, and to *preside* over them, in Order thereunto.

[*1st*] Then, I affirm, That the *Civil Magistrate* has a Right to *Direct* and *Govern Them* in their *Proceedings*. And that with Respect both to the *Matters* on which they are to *Debate*; and to the *Method* which they are to take, in *Debating* upon Them.

1st. The *Civil Magistrate* has a *Right*, to prescribe to Them, the *Matters*, on which they are to *Debate*.

§ 21. It is one great *End* which the *Prince* proposes to himself in calling of such *Assemblies*, to take their *Advice* in things pertaining to the *Church*. For the *Prince* being the Guardian of *That*, as well as of the *State*, and concern'd to provide for the *Welfare* of the *One*, no less than of the *Other*; ought accordingly to have his *Council*

Council, with which to *conſult* of the things pertaining to *Both*. Now as in *Civil Matters* he has his *Miniſters* of *State*, and the *Council* of his *Great Men*, or *People*, to adviſe Him how to manage his *Secular Concerns*: ſo in thoſe things which are of a *pure Eccleſiaſtical Nature*, it has generally been the Method of *Chriſtian Princes*, to take the Opinion of their *Biſhops* and *Clergy*; either *ſingle*, or *convened* together; as the *Importance*, or *Difficulty* of *Affairs*, and the *Circumſtances* of *Times*, have prompted them to do.

But then, if this be the main *End* for which *Synods* are call'd, it will follow, that the *Prince* muſt have a *Right*, not only by Vertue of his *Supreme Authority*, but from the very Nature of the Thing it ſelf, to propoſe to Them the *Subject* on which they are to proceed. It being abſurd to imagine, that either a *Particular Perſon* ſhould be *ſent* for, or a *Body* of *Men* be *convened*, on purpoſe to give the *Prince* their *Advice*; and the *Prince* not be left to *propoſe* his *Doubts* to them, and ſhew them wherein it is that He *needs*, Or *deſires*, their *Opinion*.

Now the *Direction* of the *Prince*, as to the Subject of the *Synods Debates*, may be

either *General*, or *Particular*; or it may be *partly One*, and partly the *Other*.

§ 22. Sometimes the *Prince* has only declared to his Clergy, that he call'd them to deliberate, at large, either upon Matters of *Faith*, or Matters of *Diſcipline*; for the better demonſtrating the *Churches Doctrine*, and *Conſent*, in the *One*; or for the better eſtabliſhing the *Exerciſe* of the *Other*.

Sometimes the Occaſion of their Meeting, has been to examine ſome *particular Controverſie*, that has riſen up, to *corrupt* the *Faith*, or to divide the *Unity* of the *Church*: As was eſpecially ſeen in the Caſes of *Arius*, and the other *Hereticks*, on whoſe account the firſt *General Councils* of the *Church* were called.

And in Both theſe, ſometimes the *Prince* has limited their Buſineſs to the particular Conſideration of that *Matter alone*, for which they were aſſembled; At other times, he has added to it ſuch other *Incidental Affairs*, as he has thought fit to propoſe to them; Or. it may be, has given them a *General Liberty*, after having done their main Buſineſs, to deliberate on any thing elſe, that they ſhould judge

judge neceſſary, for the *Glory* of *God*, and the *Good* of the *Church*.

And as there is ſuch a Variety in the *Ends*, for which *Chriſtian Princes* have been moved to call ſuch *Synods*; ſo may there be no leſs a Difference obſerved, in the Ways which they have taken, to communicate their *Wills* to them.

Sometimes both the *Deſign*, and *Subject* of their *Meeting*, have been fully ſet down in the *Precepts*, which have been ſent to the *Biſhops*, to require their *coming together*.

Sometimes only a Glance has, in general, been given, in Thoſe, at their Buſineſs; and the reſt been reſerved to be more fully open'd to them at their Convention. And that alſo has been done, ſometimes by a *Synodical Epiſtle*, or *Commiſſion* ſent to them; ſometimes by *Word* of *mouth*: And that again, either by the *Prince* himſelf, if he has thought fit (as oftentimes *Princes* have) to ſit with them; or by ſome *other Perſon*, whom he has deputed to declare his Will to them.

§ 23. But how great a Variety ſoever there has been, in the Methods that have been taken to lay open their Buſineſs to them; this is certain, that as the calling of ſuch Aſſem-

Aſſemblies, has always depended upon the *Conſent*, and *Authority* of the *Prince*; So, when they were aſſembled, the *Subject* of their Debates has been preſcribed them by the ſame *Power*; and they have deliberated on nothing, but what they have been *directed*, or *Allow'd* by the *Prince* to do.

When *Conſtantine*, the firſt Chriſtian Emperor, being deſirous to reſtore that Peace to the Church, which the *Hereſie* of *Arius*, and the Difference between the *Eaſtern* and *Weſtern Churches*, about the time of keeping *Eaſter*, had ſo dangerouſly broken, aſſembled the *Firſt General Council of Nice*; *Euſebius* tells us that, at the Opening of it, He earneſtly Exhorted the *Biſhops*, by their wiſe Reſolutions, to ſettle all things in Quiet and Unity. And accordingly the *Subject* of their *Debates* turn'd upon thoſe *two Points*; and *Conſtantine* himſelf both aſſiſted at Them, and conſented to what was reſolved concerning Them.

Euſeb. de Vit. Conſt. lib. 3. cap. 12.

Ibid. cap. 17.

When this did not prevail, but that the *Arian* Faction was reſolved, at any rate, to Ruine *Athanaſius*; and ſince they could not corrupt the *Catholick Faith*, were determined, at leaſt, to Overwhelm him who had been the main Supporter of it;

And

And in Order thereunto another *Synod* was obtain'd of the Emperor to meet at *Tyre*: the ſame *Conſtantine* not only preſcribed them their *Buſineſs*; *viz.* to examine into the *Diſſenſions* of the *Churches* of *Ægypt*; but ſent *Dionyſius*, in his own ſtead, to be preſent at their Aſſemblies, and to take care that his Orders were in all things obſerved by them. *Ibid. lib. 4. cap. 42, 43.*

And the ſame was the Method which *Conſtantius*, his Son, obſerved, as to theſe Matters: As is evident from his Management of the Great *Synod* of *Arminum*, in which above 400 *Biſhops* were, by his Order, Aſſembled. He commanded Them, in the firſt place, to debate the *Matter of Faith*; then to judge the *Cauſes* of thoſe *Biſhops*, who complain'd that they had been unjuſtly either *depoſed*, or *baniſhed*: After that to Examine the *Crimes* laid to the Charge of *certain Others*: And, laſtly, having done what he had commanded Them to do, to ſend a certain number of their Body to Him, to account to Him what had been reſolved by Them. *Sozom. Hiſt. Eccl. lib. 4. cap. 17.*

But above all moſt plain was that Authority which the Emperors *Theodoſius* and *Valentinian* ſhew'd in this particular, at the *General Council* of *Epheſus*. They not only declared, at large, to the *Fathers* the Vid. *Act. Conc. Eph. ap. Labb. To. iii. p.* 436.

the Cauſe of their Meeting, in the *Letters* of *Summons* which they ſent to the ſeveral *Metropolitans:* But when they were met together, they ſent a *Synodical Epiſtle* to them, by *Candidian*, and appointed him to preſide over Them in their ſtead; both to preſerve a due *Freedom* of *Voting*, and *Debating* among them, and alſo not to ſuffer them to enter upon any *Other Matter*, till they had firſt come to a Reſolution in that, for which they were called together. And when *Candidian* reported to the *Emperors*, that the *Biſhops* had not ſtuck ſo cloſely, as they Ought, to their Preſcription; The *Emperors* not only ſeverely *reproved* Them for their Preſumption; but *annull'd* their *Acts*, and commanded them to have a better *Regard*, both to the *Buſineſs*, and *Method*, which They had Laid before Them.

Ibid. par. 1 cap. 35. p. 442. Et infr. Conc. Eph. pag. 704.

It was the ſame *Theodoſius*, who, both by the *Precepts* by which he Aſſembled the *Second Council of Epheſus*, in the Cauſe of *Eutyches*; and in his *Letters* to the *Fathers*, when met; reſtrain'd the deliberations of it, to that particular buſineſs, and appointed *Elpidius* and *Eulogius*, his *Commiſſioners*, to ſee his Orders obſerved.

Concil. Chalced. Act. 1. p. 99, 106, 107, 110.

And

And when *Valentinian* and *Marcian* aſſembled the next *Synod*, which was afterwards removed to *Chalcedon*; they, in like manner, determined both *what* they met for, and *how* they were to proceed in it. 'Tis true, when thoſe *Fathers* had finiſh'd the Buſineſs for which they met; they enter'd upon ſeveral *particular Debates*, which were not at firſt laid before Them. But then this does but the more Evidently argue the Truth of what I am now Obſerving: For as much as we find every *new Matter* prefac'd with this Declaration, that they had *obtained Leave* of the *Emperors* for the *Fathers* to *conſider* of it; and their Orders were delivered to their *Commiſſioners*, to authorize the *Biſhops* to enter upon it. *Ibid. Ep.* 37. *Vid. Act. Concil. Chalced. Act.* 7, 9, 10, 11, *&c. init.*

But to put this Point out of all reaſonable Doubt, I ſhall need only, to the Inſtances already alleged, to add that of the *Council of Conſtantinople*, held under *Mena*, againſt *Anthimus* and *Severus*, anno 536. In which when *Anthimus* was depoſed, by the general Conſent of the *Synod*; and the *Biſhops* of the *Patriarchate* of *Antioch*, with the *Monks* and *Clergy*, deſired that *Severus* and ſome Others might be Condemned; They were told by *Mena*, that nothing of that kind could be *Concil. Conſt. ſub Mena Act.* 4 *Edit. Labb.* p. 61.

be attempted, without the *Emperor's* Conſent firſt had for the doing of it. *Wherefore*, ſays He, *for the preſent, we deſire that we may acquaint Him with what has been demanded by you.* Upon this they drew up their *Petitions* to the *Emperor*, that he would Authorize *Mena*, and the *Council*, to proceed againſt them as *Hereticks*. To this *Juſtinian* conſented, and ſent Directions accordingly to them: And then the *Council* forthwith proceeded to take Cognizance of that Affair.

Ibid. Act. 5. p. 100, 101.

It would be endleſs for me to inſtance in all the other *Examples* that Occur, to ſhew, That it has been the General Method of *Chriſtian Princes*, to *preſcribe* to their *Synods* what they were to *debate* upon, and not to allow Them to meddle with any thing, but what they either called them for, or afterwards conſented They ſhould take Cognizance of. How clearly does the ſame *Emperor*, in his *Epiſtle* ſent by the ſame *Theodorus*, to the *Second General Council of Conſtantinople*, preſcribe the Particulars on which they were to Conſult? That they ſhould judge of the Doctrine of the *Three Perſons* mention'd in his Letter, *viz. Theodorus*, *Theodoret*, and *Ibas*: and diſcuſs that *Queſtion* which ſome, it ſeems, had

Vid. *Epiſt Juſtin. Collat. 1. pag. 419, 422, 423. Ed Labb.*

ſtarted

ſtarted in favour of the *firſt* of them; namely, Whether an *Heretick* might be *anathematized after he was dead?*

And if, from the *Roman Empire*, we paſs on to Other particular *Kingdoms*, we ſhall find the Caſe to be ſtill the ſame; and that their *Princes* have taken the ſame Courſe with their *Synods*, that the *Emperors* before them did with thoſe of the *Empire*. § 24.

In *France* there is hardly any *Synod* more worthy our Regard, whether we conſider the Dignity, or the Antiquity of it, than the *Firſt Council of Orleans*. It was that which ſet a *Pattern* to all the following *Synods* of that *Country*: And in that the *Fathers* expreſſly tell the *King*, that they had ſent him what ſeem'd to Them moſt meet to be determined, concerning *thoſe Points which he had order'd them to debate upon.* *ſecundum voluntatis veſtræ Conſultationem & Titulos quos dedi-ſtis, ea quæ nobis viſum eſt, definitione Reſpondimus. Conc. Aurel. 1. præfat. ad Clodovæum Reg.*

Upon this Foundation, *Ludovicus Pius*, having reſolved, for the better reſtoring of the *Eccleſiaſtical Diſcipline* in *France*, to have *Four Synods* held at once in it; preſcribed as well what they ſhould deliberate about, as at what *Time*, and *Places*, *Capit. An. 828. To. 1. Baluz. p. 654.*

ces they ſhould meet. And *Charles the Bald*, having Aſſembled the *Synod* of *Soiſſons*, propoſed not only the *Subject* about which they ſhould *conſult*; but deliver'd them a draught of what he thought fit they ſhould *determine*,, and the *Synod* only Approved of it. 'Tis true there were ſeveral other Matters tranſacted in that *Synod*; but They alſo were done at the *Command* of the *King*, as well as with the *Conſent* of the *Biſhops*, who ſat, and acted from the Beginning in it.

Conc. Sueſ. ii. Act. 7. Labb. To. 8. p. 92.

That the ſame muſt have been the Method in *Germany*; the Conſtant Union, and Intercourſe, which it had with *France*, in theſe Times, will not ſuffer us to doubt.

When *Carloman* aſſembled the *Synod* at *Liptines*, about the year 743; He tells us the End of his doing it was, that They might adviſe him How the *Law of God*, and the *Religion of the Church*, which had been ſuffer'd to fall into ſuch decay in the days of his Predeceſſors, might be Reſtored. And the ſame was the Deſign of the Emperor *Arnulph*, in conveningthe *Synod of Trebur:* Who being ſent to by the *Fathers*, from their Aſſembly, to know what Directions He would pleaſe to give Them; return'd his *Commiſſioners*, with thoſe of the *Synod*, to tell them

Syn. Lipt. in Præf.

Act. conc. Trebur. apud Labb. Tom. 9. p. 442.

them, That they ſhould conſider what they thought was needful to be done, for *the Reformation of Mens Manners, for the Security of the Faith, and for the Preſervation of the Unity of the Church.*

As for the Kingdom of *Spain*, the Councils of *Toledo*, as they are the moſt Eminent of that Countrey, ſo do they ſufficiently ſhew the ſame Courſe to have obtained there, that we ſee did prevail in all Other Parts. In the *Sixth*, we find the very *Conſtitutions* themſelves, in ſome meaſure, drawn up by the Order of *Cinthilus* their *King*, and only confirmed by the *Synod*. In the Reſt, the Subject on which their Debates were to proceed, is ſet out to Them, and They accordingly *Regulated* their *Acts* by it.

Thus it was in the *Fourth*, aſſembled by *Siſinandus*, and the moſt regarded of any *Synod* in that Country. And in the *Thirteenth*, *Egica* deliver'd his Orders in Writing to the *Biſhops*; and the † *Biſhops* accordingly framed their *Conſtitutions*, upon the Model that had been laid before them by that *Prince*.

Act. Conc. Toled. iv. *An.* 633.

Act. Conc. Toled. xiii. *An.* 683. *Ep. Regis ad Concil.*

† *Ibid.* Unde & has in Commune Sententias, quas *Principis hortatu* Conſtruendas accepimus, Communi voto Edidimus. *Labb. Tom.* 6. *p.* 1255. E.

And the ſame *Method* he again took with the *Sixteenth Synod*, aſſembled in the ſame City. He deliver'd a Commiſſion to the *Clergy*, containing a *Summary* of what they were to *deliberate* upon; and agreeably thereunto they framed their *Canons* and *Conſtitutions*.

An. Conc. Toler. xvi. An. 693. Ep. Regis ad Synod.

I ſhall conclude theſe Remarks with the Words of *Receſwinthus*, to the *Eighth* Council of *Toledo*; when he deliver'd the like *Commiſſion* to the *Fathers*, there aſſembled, that his Predeceſſors were wont to do: *Theſe things*, ſays He, *I might have ſpoken to you, but I have choſen rather to comprehend them in Writing; earneſtly Requeſting this of you, that what you ſhall find therein contain'd, you would carefully attend to, and Examine with the utmoſt Diligence; and whatſoever you ſhall think to be moſt pleaſing to God, with Relation to theſe Matters, you would Report it to Us with your own Mouths.*

Conc. Tol. 8. An. 653 Id magno precatu deliberationis Exhortans, ut quæcunq; illic detinentur ſcripta, valido attendatis intuitu, ſagaci perſcrutemini ſtudio; Ac *de his* quæcunque extiterint placita Deo, Veſtri Oris, ad Nos, ſacro Referantur Oraculo. *Labb. pag.* 395.

But, *2dly*. The *Civil Magiſtrate*, has not only a *Right* to preſcribe to His *Synods* the *Matters*, on which they are to *Deliberate*; but is moreover at Liberty to determine both the *Manner*

Manner, and the *Method*, of their *Proceedings* in Them.

Now this, as far as concerns the *Peace* and *Order*, both of the *Members* of every *ſuch Aſſembly*, and of thoſe who meet together upon the *Occaſion*, or *Account*, of it; is not to be doubted. It being a part of the *Prince's Right*, as he is a *Civil Governour*, to keep all his Subjects, *Clergy* as well as *Laity*, under a due Reſtraint; and not permit any Tumults, or Diſorders, to be raiſed by them.

But the *Prince* has an *Authority*, as to theſe Matters, beyond this: *viz.* to Preſcribe not only the *Subject*, upon which *Synods* are to *debate*; but withal, after what *Manner*, and in what *Order*, they ſhall proceed to *debate* upon It. And to this End it was, (as well as for Peace, and Quietneſs ſake,) that when They were not preſent *Themſelves*, they commonly deputed ſome *Commiſſioners* in their ſtead, to hold the *Fathers* to the *Rules* by which they were order'd to proceed: And not ſuffer them to meddle with any *Other Matters*, than thoſe which belong'd to Them; or with thoſe, in any *Other Manner*, than the *Prince* had appointed them to do.

§ 26. It was for this Reaſon, that *Conſtantine*, who himſelf had moderated in the *great Council of Nice*, ſent *Dionyſius* to preſide in that of *Tyre*; that he might overlook their *Actions*, and eſpecially take care, that a due Order was kept amongſt Them.

Euſeb. de Vit. Conſt. lib. 4. cap. 42. p. 452.

But moſt evident is the Account which we have of this part of the *Prince's Prerogative*, in the Acts of the famous *Conference* between the *Catholicks*, and *Donatiſts*, at *Carthage*, anno 411. For the Regulating of which, as *Honorius* and *Theodoſius* the *Emperors*, appointed *Marcellinus* to be their *Commiſſioner*; So the Orders which he thereupon publiſh'd to be obſerved in it, abundantly ſhew, how far their *Authority*, as to theſe matters, extended.

Collat. Carth. 1. cum Opt. Mileviſ. num. 8. p. 31.

For Firſt, He declared to the *Biſhops* of *both Parts*, that but *ſeven* of a ſide ſhould ſpeak: Yet ſo, that *ſeven* more ſhould be *preſent*, with whom Thoſe who ſpake might, at any time, Go aſide, and Confer in private, about any thing that ſhould ariſe to be debated at that Meeting.

Next, He appointed the *Time*, and *Place* of the *Conference*; and forbad any Confluence, either of the *Biſhops* and *Clergy*,

gy, or of the *Laity* of either Part, to come to it.

And, laſtly, To the End that this *Conference* might finally conclude theſe kind of *Diſputes*; He oblig'd all the *Biſhops* of each ſide to promiſe, under their hands, that they would Abide by whatever their Delegates did. And that no Exceptions might be taken at the *Report* of the *Conference*, He order'd them to chuſe *Four Notaries*, out of their *Clergy*, to tranſcribe what was ſpoken; and that *Four Biſhops* of a ſide ſhould be nominated, to Overlook thoſe *Notaries*; and ſee what was tranſcribed, and digeſted, by them. And that whatſoever Any one ſaid, ſhould immediatly be ſigned, firſt by *Marcellinus* himſelf, and then by *Him* who *ſpake* it: that ſo there might be no Contradiction made to the *Sincerity* of that *Account* which ſhould afterwards be given of it.

Theſe were the *Rules*, which *Marcellinus*, by the *Emperor's* Authority, preſcribed for the proceeding in that *Conference*; and according to theſe *Meaſures*, both *Parties* were obliged to proceed in it.

It would betray a Deſire to Cavil, rather than afford any ſolid Exception to this Inſtance, to diſpute, Whether this Meeting might properly be called a *Sy-*

nod; ſeeing it is plain it was a meeting of *Eccleſiaſtical Perſons*, upon an *Eccleſiaſtical Affair*: And there can no reaſon be given, why, if the *Emperor* has ſo much Authority over ſuch an *Aſſembly*, He ſhould not have as great a *Power*, over any other of the like kind. But yet that all poſſible Exception may be Removed, as to this particular; I will further ſhew, from the Inſtances of ſeveral *undoubted*, and even *General Synods*, that he has the ſame *Right* to direct their Proceedings, as thoſe of any Other Convention.

When *Theodoſius* appointed *Candidian*, to take care of the *Acts* of the *Fathers*, in the *General Council* of *Epheſus*: his Commiſſion was limited, and he was Order'd only to ſee that the *Monks*, and *Laity*, raiſed no Diſturbances in the City; that the *Biſhops* did not fall into any *Quarrels* among themſelves; and that every one had his *liberty* to *Vote freely* in it.

Act. Conc. Eph. p. 1. cap. 35.

But much larger was the *Commiſſion* which the ſame *Emperor* gave to *Elpidius*, in the next *Synod*, which met at that *place*. He appointed him not only to look to the *Peace* of the *Synod*; but if he ſhould perceive any one go about to raiſe any *Tumults*, or *Diſorders*, to the Prejudice of

Vid. Act. 1. Concil. Chal Sacr. Com. Elp. pag. 105. Ed. Labb.

of our *Holy Faith*, he ſhould commit him to ſafe Cuſtody, and ſend an Account of it to the *Emperor*. He further commanded him to take Care, that the *Fathers proceeded* in *Order*, upon the *Matters* that came before them: That he ſhould be preſent when they *judged* of them, and uſe his utmoſt Endeavours, to bring the *Holy Synod* to a ſpeedy, and Circumſpect Examination, of the Buſineſs which they met about.

This is a Commiſſion that comes fully up to our preſent purpoſe: And how exact *Elpidius*, and his Companion *Eulogius* were, in holding the *Fathers* to the *Rules* deliver'd to them; the *Acts* of this *Synod*, when remov'd to *Chalcedon*, do abundantly ſhew. But I ſhall content my ſelf, in ſo clear a Point, to Repreſent this in the Practiſe of the *Firſt Council* of *Epheſus*, before mention'd, and ſo conclude this Conſideration.

Theodoſius having Summon'd a *General Council* to meet at *Epheſus*, and (as was before obſerv'd) appointed *Candidian* to be his Commiſſioner at it; the greateſt part of the *Biſhops* who were order'd to come to it, accordingly arriv'd at *Epheſus*, at the time appointed them by the *Emperor*. But it happen'd that

Vid. Act. Conc. Eph. adv. Cyril. Ed Labb. p. 404 &c.

that *John*, the *Patriarch* of *Antioch*, being hinder'd Fifteen days in coming to *Epheſus*; wrote to *Cyril*, *Patriarch* of *Alexandria*, and *Preſident* of the *Council*, not to tarry any longer for him, but to proceed in his Buſineſs without him. The *Synod* thereupon Summon *Neſtorius* to appear before them. This *Neſtorius* refuſes; and, in his Excuſe, pleads that the *Patriarch* of *Antioch*, with his *Metropolitans*, was not yet arriv'd. The *Fathers* not accepting this Excuſe, after ſeveral Summons ſent to him, proceed to Examine his *Doctrine*, and unanimouſly agree to his *depoſition*. It was but a very little while after this, that *John*, the *Patriarch* of *Antioch*, arriv'd at *Epheſus*: And being angry that the *Council* had ended this matter without him, form'd another *Synod*, conſiſting of about Thirty *Metropolitans* that came with him; and depos'd *Cyril*, *Preſident* of the *Council*, and *Memnon Biſhop* of *Epheſus*, for what they had done: In requital whereof *Cyril*, and the *Council*, Suſpend both *John*, and his *Synod*, for proceeding by themſelves; in ſo Un-canonical, and unjuſtifiable a Manner.

Candidian, who in all this had favoured the *Patriarch* of *Antioch*, reports what had been done, on both ſides, to *Theodoſius*;

doſius: And *Theodoſius* immediately reſcinds all that had paſs'd, upon this Account, That they had not proceeded according to the *Method* he had *preſcribed* to them; and commands them not to proceed to any farther Cenſures, until they had ſettled the *doctrine of Faith*, and receiv'd ſome New Directions from himſelf; which he promis'd to ſend by another Commiſſioner, whom he deſign'd to depute together with *Candidian*, to look after them.

The Anſwer of the *Council* to this Order of the *Emperor* is very remarkable, and clearly ſettles the *Princes Right* as to this particular. They pretend not that he had no *Power*, thus to Limit their Proceedings; or to *annul* their *Acts*, upon this pretence, that they had not proceeded according to his Directions. No, but they beg leave to inform him, that *Candidian* had not made a fair *Report* of their Actions to him: and therefore intreat the *Emperor* that he would order *Candidian*, with Five of the *Fathers*, to come to him; who ſhould ſatisfie him that all things had been done *Canonically* by the *Council*.

The *Emperor*, hereupon, ſends another *Commiſſioner* to them: Who having examined

amined *both Parties*, and diſcover'd the Deſign of the *Patriarch* of *Antioch*; gave leave to *Seven Biſhops*, of each ſide, to go to *Theodoſius*, and inform him of their *Proceedings*. This they did, and the *Emperor* was ſatisfied that the *Council* had proceeded *regularly* againſt *Neſtorius*: In teſtimony whereof, he *approved* of what they had done; *allow'd* of their *Acts*, and *confirm'd* them with his *own Edict*.

Such Authority has the *Chriſtian Prince* to direct the *Acts* of the moſt *General Councils*; and to require an Obſervance of their Directions. I proceed,

§ 27. [2*dly*] To ſhew, That for the better Exerciſe of this *Authority*, He has alſo a Right, if he pleaſes, to *ſit* in them, and to *preſide* over them.

Euſeb. de Vit. Conſt. l. iii. *c.* 10. 13. 17. *Socrat. l.* i. *c.* 9.

So *Conſtantine*, the firſt Chriſtian Emperor, did, in the firſt *General Council* of *Nice*: He not only ſate with the *Fathers*, but moderated in their Diſputes; and at laſt concurr'd with them in their Definition. And though, after his Example in the *Synod of Tyre*, the following *Emperors* choſe rather to *preſide* by their *Commiſſioners*, than to come Themſelves in Perſon, and ſit among them: yet oftentimes, we know they did vouchſafe their Preſence

ſence to them; and it was their *Civil Affairs* that prevented them, when they did not.

Thus *Marcian* not only removed the Fourth *General Council* to *Chalcedon*, on purpoſe that he might have it nearer to Him; but was Himſelf preſent in the *Sixth Action* of it, both to confirm what the *Fathers* had determined, and to ſettle by their Judgment the *Faith* of the *Church* to After Ages. And when, by Order of the *Council*, their Determination was read to him, he not only *approved* of it, but added this farther *Sanction* to it; "That "if any *Private Perſon*, *Military Officer*, "or *Clergy-man*, ſhould, under pretence "of any farther Diſpute concerning thoſe "Matters, cauſe any Diſturbance; if he "were only a *private Laick*, he ſhould "be *baniſh'd*; if a *Military Officer*, or *Cler-* "*gy man*, he ſhould be degraded from "his *Employ*; and be liable to ſuch far- "ther Puniſhments, as in ſuch Caſe "ſhould be thought requiſite.

Act. Conc. Chalced. par. i. Ep. 41, 42.

Ibid. Act. VI. *p.* 577. *Edit. Lab.*

And having done this, he deliver'd to the Fathers Three *Eccleſiaſtical Conſtitutions*, ready drawn up, to be approved of by Them; and they all gave their *unanimous Aſſent* to them.

But

§ 28. But more frequent was the Cuſtom of thoſe Kings, who Govern'd in thoſe *States* which aroſe out of the Diſſolution of the *Roman Empire*, to *ſit*, and *act*, with their *Synods*.

Vid. Act. Concil. Toletan. iii. *An.* 589. If we look to the *Kingdom* of *Spain*, I have already obſerved, how great a Veneration that Country has always paid to the *Third Council* of *Toledo*. There were preſent at it five *Metropolitans*, and ſeventy-eight *Biſhops* ſubſcribed to it. Now at this Meeting *Reccaredus* was not only himſelf preſent, but cauſed his Subjects, who were before *Arians*, to ſubſcribe to the *Catholick Faith* in it. And having done this, He went on with the *Fathers*, to ſettle the *Diſcipline* of the *Church*; and acted rather like a *Patriarch*, than a *Prince*, among them.

For to inſtance only in a *Canon* or *Two* of that *Council*: In the Second they tell us, that the *Biſhops* order'd ſo and ſo, *by the Advice of their moſt Glorious King Reccaredus*: In the Eighth; by his *Command* and *Conſent*. In the Ninth; by his *Aſſent*. And laſtly, when all was done,

Ibid. Can. ii. Conſultu *Piiſſimi & Glorioſiſſimi Domini noſtri, Reccaredi Regis.* — Jubente atque Conſentiente: *Can.* viii. — *Annuente*: *Can.* x. — *Flavius Reccaredus Rex, hanc deliberationem, quam cum S.* definivimus *Synodo, confirmans ſubſcripſi.* Ibid.

done, He thus ſubſcribed the *Acts* of the *Council*, together with the *Biſhops: I* Flavius Reccaredus, *King; confirming this Deliberation which I have defined, with the* Holy Synod, *have ſubſcribed to it.*

§ 29. It is impoſſible to imagine any thing more full to this purpoſe, than what theſe *Acts* have afforded us. As for the *German Emperors*, they alſo ſate in like manner with their *Biſhops*. In the famous *Synod* of *Frankford*, (one of the moſt eminent that was ever held, after the *firſt Antient*, and *General Councils*;) we read that it was aſſembled, *Præcipiente, & Præſidente Carolo Rege*. And whereas there were *three* great *Points* debated in it, namely, firſt, Whether they ſhould confirm the Sentence of Condemnation, which had before been paſs'd upon *Elipandus* Biſhop of *Toledo*; who held, that our *Saviour Chriſt was the* Son of God *only by* Adoption, *and according to the Fleſh; not as if He were of the ſame* Nature *with God*: Secondly, What they ſhould reſolve concerning the *Second Council of Nice*, as to the Buſineſs of *Image-Worſhip*: And, Thirdly, How to end ſome *Secular Affairs*: It may be obſerved, that in the *Two firſt* of *Theſe*, which related to Mat-

Act. Conc. Francof. An. 794. ap. Labb. To. vii. p. 1032.

ters

Vid. Can. i, ii. ters of *Doctrine*, we find nothing of the *Emperor's defining* with the *Biſhops*; as neither of the *Biſhops* concurring with *Him*, in the *Third:* But in all the Other *Ca-*

Ibid. Can. iii, iv. *nons*, which concern the *Diſcipline* of the *Church*, the *King*, and the *Synod*, join together; and the Phraſe runs in theſe Terms, *Statutum eſt, Definitum eſt, à Domino Rege, & à Sanctâ Synodo.*

I might to this add many other Inſtances of the like nature, but I ſhall take notice only of one; and that of a *Synod* held under another *Emperor*, leſt any one ſhould think that *Charles the Great*, had taken more upon him, than did of Right belong to him: And it ſhall be of the *Synod* of *Trebur*, called by *Arnulf* the *Emperor* about the Year 895. At the head of the *Subſcriptions* made to which there

Vid. Act. Conc. Trebur. apud Labb. To. ix. is this remarkable Paſſage: *In this Holy* Council, *the moſt Glorious King* Arnulf, *our pious Prince preſiding, and aſſiſting; ſate the Holy* Fathers *which came together, with the Venerable* Paſtors *of the* Church: *And what they eſtabliſh'd, agreeably to the Catholick Faith, they, by a like profeſſion, confirm'd, and with one accord ſubſcribed to.*

In ſhort, that the *Princes* of whom I have now been ſpeaking did no more, than all the other *Emperors* have been con-

feſt

feſt to have a *Right* to do, is manifeſt from the *Conſtitution* made to this purpoſe, in a full *Synod*, An. 742. Where after a long Debate of the *Prince*, with his *Biſhops* and *Prieſts*, how the *Law* of *God*, and the *Diſcipline* of the *Church*, might beſt be reſtored; it was, in the very firſt place reſolved, that a *Synod* ſhould be held every Year; and that the *Emperor* being *preſent*, the *Decrees* of the *Canons*, and the *Rights* of the *Church* ſhould be *renew'd*, and the *Chriſtian Religion* be *amended*. *Capit. Dat. An. Chriſti 742. in a-plenâ Synodo.* n. 1. *Statuimus per Annos ſingulos Synodum Congregari, ut* Nobis præſentibus *Canonum decreta, & Eccleſiæ Jura reſtaurentur, & Religio Chriſtiana emendetur.* Capit. To. 1. pag. 145.

And how far the Deſign of this *Canon* was to extend, may at large be ſeen in the *Injunction* made thereupon by the *Emperour*; which we find in the *Collection* of the ſame *Capitularies*, according to the Edition of *Benedictus Levita*, pag. 823. Num. ii. *ibid.*

§ 30. And now, if from *Germany* we paſs into *France*, we ſhall there alſo meet with the like Practice. It was the conſtant Method of *Charles the Great*, in that *Kingdom*, as well as in the *Empire*; to preſide over his *Clergy*. Thus we ſee he did in moſt

moſt of thoſe *Synods*, whoſe Acts remain to Us: And in an Antient MS. of St. *Germains*, wherein the *Canons* of the Biſhop of *Langres* are tranſcribed, the *firſt Chapter* carries this *Inſcription*; *Out of the Council of Biſhops, where* Charles *the* Emperor *Preſided*. And *Charles the Bald* not only Sate in the *Second Council of Soiſſons*, anno 853: but propoſed to the *Fathers* what He deſired they ſhould debate about; and oftentimes preſcribed to their very *Reſolutions* alſo.

Vid. *Not. Baluz. in Capit. Aquiſgran. To. 2. pag.* 1036.

Ap. Labb. To. 8 pag. 80.

§ 31. From what has been ſaid, I may now, I conceive, take it for granted, That the *Prince* has a Right either to *preſide* over his *Synods* in *Perſon*; Or (if he rather thinks fit,) to appoint his *Commiſſioner* to do it in his ſtead. The only difficulty will be to determine how far he may be accounted a *Part* of the *Synod*; and be allow'd not only to *Preſide* over it, but alſo to *Sit*, and *Vote* in it.

And, 1*ſt*. As I have obſerved, that One great End of his Sitting there is, to keep the *publick Peace*, and to ſee that all things be *Regularly*, and *Quietly*, tranſacted, by the *Biſhops* and *Clergy* in them; So it muſt alſo be allow'd, that He has all that *Power* over Them, that is neceſſary for the obtaining of this End. He may

may therefore, without Controverſie, Commend the *Modeſt* and *Ingenuous*; Reprove the *Factious*; May keep all to their *proper Buſineſs*; and not ſuffer them to Wander into other *Matters*, or purſue any other *Method*, than what He has *preſcribed* to Them. And, if any ſhall become ſo diſorderly as to need it, He may, as the antient *Emperors* did, not only *commit* ſuch turbulent, ſeditious Perſons, to *ſafe Cuſtody*, and puniſh them according to the Nature of their Offence; but, if need be, may annul the *Acts* that were ſo tumultuouſly and irregularly done by Them.

2*dly*. In the *Debates* of every ſuch *Synod*, of whatever kind they be, the *Prince* may freely join with the *Synod*; and offer any *Objections*, or propoſe any *Difficulties*, He ſhall think fit; in order to his being better convinced of the *Truth* of what is to be *believed*; or of the *Expediency* of what is *determined* by it. For *Princes* are Men of *Reaſon* and *Capacity*, as well as *Biſhops* and *Prieſts*; And, when a Matter is *debated*, may be as capable of making a ſound Judgment, as any One that is there Aſſembled.

It has, I know, been ſpecioufly *Objected* againſt this, that *Princes* have com-

monly Other things to do than to *ſtudy Divinity*; to *read Commentators, Fathers, Councils*, and the *like Books*; which are the proper Subjects of the *Clergies* Meditations. This indeed is true, nor ſhall I go about to deny it: But are they ſure it is neceſſary that the *Prince* ſhould have *ſtudy'd* all theſe *Books*, to be able to make a ſound Judgment of what may be alleged out of Them? May not a *Point* be *propoſed*, and *Scripture* be *Quoted*, and *Antiquity Alleged*; and Learned Men canvas theſe *Matters* ſo long, till a Stander by, who is endued with a good Natural Judgment, ſhall be able very evidently to diſcern, on which ſide the *Truth* and *Authority* lies? If not, I am ſure the Generality of *Chriſtians* will be left under very hard *Circumſtances*; who muſt, at laſt, *believe* as the *Church believes*; and pin their *Faith* upon *the Authority* of their *Clergy*; and *neither* be alow'd to *judge* of the *Grounds* of it, nor, if once in an Error, be capable of ever being *convinced* of it. But if therefore it muſt be confeſs'd, that an *Argument* may be *managed* by *Learned Men*, in ſuch wiſe, as to convince thoſe that are *not Learned*, on which ſide the *Truth* lies; then certainly the *Prince* may alſo be capable

pable of diſcerning whether his *Synod* has *Reaſon* for their *Definitions*, or not; tho' He has not perhaps himſelf Read ſo much *Divinity*, as to be able to enter into the *Learned Part* of the *Debate* with the *Fathers* of it.

Whether therefore it be a *Matter of Faith*, or a *Matter of Diſcipline*; I ſee no Reaſon why the *Prince*, if he think fit, may not only be preſent when the *Synod* debates about it; but may not alſo enter into the *Merits* of the *Cauſe* with Them: and *propoſe* his *Doubts*, and *manage* his *Arguments*, and do whatſoever is requiſite to his full *Information*, and *Satisfaction* Concerning it.

And having done this, I add 3*dly*. That as *Charles* the *Emperor* did in the Great *Synod* of *Frankford*, ſo may Every Other *Chriſtian Prince*, if he pleaſe, do ſtill; I mean, may *Vote* with Them in ſuch things as concern the *Diſcipline* of the *Church*: Becauſe in theſe both the *Rights of the People*, and the *Power of the Prince*, are, for the moſt part, very nearly concerned.

Whether the *Prince* may judicially concur with the *Clergy*, in their *Deciſions* in *Matters of Faith*, I do not think it worth the while to *diſpute*. Thus much

I dare confidently affirm, That if He *may not judge with them*; He not only *may*, but *muſt*, *judge after them*. For as much as He is not only concern'd in Common, with his *Subjects*, to *believe aright*; but, as a *Chriſtian Prince*, ought to *aſſert* the *Right Faith* too: And do what in Him lies, to promote the *belief*, and *profeſſion* of it in his *Dominions*.

For, give me leave thus far to anticipate, what I ſhall preſently have Occaſion more particularly to Conſider: When the *Synod* has *ſettled* the *Doctrine of Faith*, and framed, as they conceive, a *juſt* and *Orthodox Confeſſion* of it; Is it the *Duty* of the *Prince* to Receive and give Countenance to their *Definition*, or is it *not*? To ſay that it is not, is to ſink the *Credit* of ſuch Meetings very low indeed, and to make their Aſſembling of very little Conſequence; if, when They have done all they can to fix the *Doctrine* of the *Church*, neither the *Prince* has any Obligation to *ſupport* their *Definition*, nor the *People* to *Receive* it.

But if, when the *Synod* has done, and their *Sentence* is paſs'd, and perhaps their *Anathema's* too have been thunder'd out againſt all that ſhall preſume to call their *Deciſions* in Queſtion; the *Prince*

is

is obliged to add his *Sanction* to their *Definition:* Then, I hope, They will think it to be their Duty, in order to his *confirming* their *Decrees* with a *Good Conſcience*, to convince him of the *Truth* of them; and not Expect that he ſhould not only *believe Himſelf*, but ſhould *oblige Others to Believe*, what neither He, nor They, ſee any Reaſon to Receive. For whatever, in ſome Mens Opinion, a *General Council* may be; yet I hope no One will pretend that we muſt believe every particular *Convocation*, to be *infallible*, in its *Definitions*.

Let this then be the *Reſult* of our ſecond Enquiry; *viz.* * That the *Chriſtian Prince* has a *Right* to preſcribe to his *Synods* the *Work* they are to go upon; and to *Reſtrain* them from meddling with ſuch things as do not belong to Them. * That he may *Direct*, not only the *Subject*, but the *Order*, and *Method*, of their *Debates*. * That He may, if He pleaſe, *Sit*, and *Deliberate*, with his *Clergy* in them: And interpoſe his *Judgment*, not only in *Matters of Diſcipline*, but in *Matters of Faith* too. * That it is not only his *Right*, but his *Duty* to *Examine* what they have *concluded upon:* and either to *Confirm*, or Reſcind their *Deciſions*, according as He

ſhall remain ſatisfied, or not; of the *Truth*, the *Juſtice*, and the *Expediency* of Them.

§ 32. And this brings me to the *Third*, and laſt Queſtion propoſed to be Conſider'd, *viz.*

[3*dly.*] What the *Authority* of the *Prince* is, with Relation to theſe *Conventions*, after They have *Ended* what was to be done by Them.

Now that may be Conſider'd in a double Reſpect:

1*ſt.* With Reference to their *Perſons*. And,

2*dly.* To their *Acts*.

1*ſt.* With Reference to their *Perſons*.

§ 33. I have before ſhewn, that no *Synod* can *Regularly* be *aſſembled*, without the Conſent of the *Civil Magiſtrate*. I now add; That neither, being aſſembled, can They *diſſolve* Themſelves, and *depart* from any ſuch *Council*, till *Licenſed* by him ſo to do. This is a *Right* that has ever been Acknowledged by the *Clergy*, to belong to the *Chriſtian Prince*; And therefore I ſhall need to inſiſt the leſs upon the Proof of it.

When

When the Fathers, who were call'd by *Conſtantius* to *Ariminum*, had done the Buſineſs for which they were Convened; and ſent their Delegates to attend the *Emperor*, with an account of their *Proceedings*; They finally beſought Him that He would give them leave to return to their *Churches*; leſt they ſhould ſeem, by their Longer Stay, to have been forſaken by their *Biſhops*. 'Tis true we are told, by *Sozomen*, that the *Emperor*, being diſpleaſed at their firm Adherence to the *Catholick Faith*, Refuſed to give any Anſwer to them: Whereupon, Growing weary of ſtaying any longer, at a Place where they had nothing to do, they Return'd, of their Own Accord, to their ſeveral *Churches*. But then he tells us withal, that this the *Emperor* Reſented as a very Great Affront which they put upon him; and when he had an Opportunity, he expreſs'd his Reſentments accordingly againſt Them.

Athan. de Synod.

Sozom. Hiſt. Eccl. Lib. 4 cap. p. 568.

But *Theodoſius* and *Valentinian* took more Care of the *General Council* aſſembled by them at *Epheſus*. For having appointed *Candidian* to look after it; one part of that Inſtruction which they gave to him was this, that he ſhould by all means take Care that none of the

Act. Conc. Eph. p. 1. cap. 35. Epist. Imp. per Candid. ad Synod. Vid. part. 3. cap. 15. Καὶ μετὰ τοῦτο, ἐκελεύσεν ὁ Βασιλεὺς, πάντας τοὺς Ἐπισκόπους, ἕκαστον ἀπελθεῖν εἰς τὴν ἑαυτοῦ χώραν τε καὶ Πόλιν.

Bishops left the *City*, till all things were finish'd for which they came together: And particularly, till they had, with all Exactness, settled the *Catholick Faith*, in Opposition to the *Heretical doctrine* of *Nestorius*; upon whose account that *Synod* was Assembled.

Act. 6. Con. Calced. in fin. Δεόμεθα ἀπόλυσον ἡμᾶς.

Such was the Right which the *Emperors* claim'd over their *Bishops* in this particular: And for the Exercise of it, we shall need look no farther than to the next *General Council*. Where when *Marcian* the Emperor came into the *Synod*, and approv'd what the *Fathers* had done; after their other Acclamations, they all unanimously requested, *We beseech thee dismiss*, or *dissolve us*. To this the *Emperor* return'd, that they should tarry yet Three or Four days; and move whatever they would, and they should receive all due Encouragement from him. And then concluded the *Session* with these Words, "see that none of you *depart* "from the *Holy Synod*, before all things "be fully *completed*.

Ib. μηδεὶς δὲ ὑμῶν πρὸ τοῦ τοῦ τελείους τύπους πάντων δοθῆναι τῆς ἁγίας ἀναχωρήσει συνόδου.

It

It is therefore the duty of all *Synods*, as they are *Conven'd* by the *Princes Authority*, ſo to tarry till they have the ſame *Authority* for their *Diſſolution*. As for the laſt particular, wherein we are to conſider the *Power* of the *Chriſtian Magiſtrate*, *viz.*

2dly. With Relation to the *Acts* of their *Synods*: It is, I conceive, allow'd on all hands, that their *definitions* are no farther *obligatory*, than as they are Ratified, and Confirm'd by the *Civil Authority*. For though the *Faith* of *Chriſt* neither depends upon the Authority of Man, nor is ſubject to the Power either of *Synods*, or *Princes*, as to what concerns the *Truth* of it: Yet what that *Faith* is which ſhall be allow'd to be profeſs'd, in every *Community*, by the *Laws* of it; and receive not only *Protection*, but *Encouragement*, from the *Civil Power*, muſt be left to the *Prince* to determine: And the *definitions* of *Synods* in favour of it, will ſignifie very little, till what they have *determin'd* to be the *right Faith*, be alſo allow'd by the *Civil Magiſtrate*, to be *publickly profeſs'd* and *taught*; and be receiv'd into his favour, and under his *Patronage*, as ſuch. But much more *rea-*

ſonable

ſonable as well as *neceſſary*, is the Confirmation of the *Prince*, to give *Authority* to thoſe *Canons* which regard the *diſcipline*, and *politie*, of the *Church*. Becauſe in theſe the *intereſt* of the *State* is Concern'd: And an *Authority* uſurp'd; and Mens *civil Intereſts* either *directly*, or by *conſequence*, affected: And to all which as the Conſent of the *Prince* is requir'd, ſo the *nature* and *ends* of Government will not permit, that any thing of this kind ſhould be done, within the *State*, without his *Conſent* firſt obtain'd for the doing of it.

Hence it is that, from the Beginning, *Chriſtian Princes* have not only taken upon them to *confirm* the *Acts* of their *Synods*, if they have thought fit; but have been *petition'd* to by their *Synods*, that they would do ſo. Thus *Conſtantine the Great* was deſired, by the *firſt General Council*, to ratifie, by his *Authority*, what the *Fathers* had Determin'd. ‖ The ſame was Demanded of *Theodoſius*, by the Second *General Council* of *Conſtantinople*. * In the Third *General Council* of *Epheſus*, the *Fathers* in like manner addreſs'd to the *younger Theodoſius* and *Valentinian*, for the Ratification of what had been done by Them: And ſo did Thoſe of the

Socr. Hiſt. Eccl. l. 1. c. 3. Theodoret. l. 2. cap. 4.

‖ *Vid. Ep. Concil. ad Theod Im.*

* *Act. Con. Eph. Act. 6. p. 764. &c. Item part. 3. c. 15. 47.*

* *Council*

Council of Chalcedon, to *Marcian* the Emperor, for the ſame purpoſe. And all theſe *Emperors* anſwer'd their Deſires; and *Confirm'd* their *Acts* accordingly. Vid. *Act. Concil. Chalced. par.* 3. *cap.* 4.

It were an Eaſie Matter to ſhew, that the ſame Method ſtill continued in all other *Countries*, and *Kingdoms* after; ſo that no *Princes* ever ſuffer'd any *Canons* to be put in Execution, till they had firſt been *View'd*, and *Approv'd* of by them, as no way prejudicial to their *Royal Power* and *Dignity*. But becauſe this is a Point, that is not, I conceive, at all deny'd among us; and that I look upon the *Power* of the *Chriſtian Prince* to extend much farther, than to the bare *Confirmation* of what the *Synod* has determined; I will proceed more particularly to ſhew, what his *Authority* in this Reſpect, is; and how the *final Determinations* of ſuch *Aſſemblies*, fall at laſt under the *Power* of the *Prince's Judgment*.

§ 23. And 1*ſt*; As it would be abſurd to ſuppoſe that he ſhould, ſo it is certain that the Prince is not obliged, at all Adventures, to *confirm* whatſoever the *Clergy* ſhall think fit to determine. This were not only to give an *immoderate Power* to the one, but unreaſonably to *confine*

fine and *limit* the other. It were in truth to hood-wink the *Prince*, and not allow him the common Privilege of a *Rational Creature*; to *know* and *examine* his Actions, and proceed with *Reaſon* and *Diſcretion* in Them. And it were as well plainly to ſay that *Synods* have a *Supreme Authority*; and are no way accountable to any *Civil Power* in what they do: As to pretend that the *Prince* ſhall be *obliged*, at all Adventures, to *Ratifie*, and the *People* (by conſequence) to *ſubmit* to, whatſoever it ſhall pleaſe them to determine.

It were indeed to be wiſh'd, that ſuch Venerable Aſſemblies might always be compoſed of Men ſo *Wiſe*, and *Prudent*; and that they would proceed in all things ſo *calmly* and *impartially*; that the *Prince* might evermore find it to be both Juſt, and Honourable, for Him, to take upon him the *Protection* and *Guardian-ſhip* of their *Definitions*. But becauſe ſuch is the Condition of *Humane Nature*, that *Paſſion* and *Prejudice*, *Ignorance* and *Intereſt*, *Noiſe* and *Clamour*, oftentimes break in, and confound the *Proceedings* of theſe, as well as of all Other Aſſemblies; and many things are debated haſtily, carried on with Faction, and concluded Unreaſonably;

ſonably; 'tis very fit and juſt, that the *Prince* ſhould give Direction to have their *Actions* carefully *Review'd*, and *Conſider'd*, before He *aſſents* to Them: That ſo he may not be impoſed upon, nor do either the *Church*, or *Himſelf* a *Prejudice*, by a blind complyance with the Dictates of his *Clergy*.

And for the ſame Reaſon that He ought to have a Power of *Examining* the *Councils Acts*; it follows,

2*dly*. That he muſt alſo be allow'd to have a *Power* of *Annulling*, and *Rejecting* what they have done, if it ſhall appear to be *Hurtful*, or *Unjuſt*; as well as a *Power* to *Ratifie* and *Confirm* it; if they ſhall be found to have proceeded *canonically*, and to have acted for the *Good*, and *Benefit*, of the *Church*. It being in vain to allow the *Prince* a *Liberty* of *Examination*, if there be not left him a *Liberty* of *Choice* and *Reſolution:* And an *Authority* indifferently either to *confirm*, or *reject* their *Definitions*; according to the Judgment which He ſhall finally paſs upon Them.

But becauſe, where many things are Done, and ſeveral *Conſtitutions* made; it is poſſible a different *Judgment* may finally *Remain* in the Mind of the *Prince* concerning Them; ſo that He may *Approve*

prove of *ſome part* of what the *Synod* has *determined*, and diſlike the *Reſt*: It will from hence farther follow,

3*dly*. That he ought to have a *Power* not only to *confirm*, or *reject*, the *whole* of what the *Synod* has done; but to confirm that *part* of their *Acts* which he is perſwaded will be for the *Churches Benefit*; and to *annul* that, which he thinks would be otherwiſe.

Whether it will be thought to be as Reaſonable, 4*thly*, That the *Prince* ſhould be allow'd a farther *Power* to *alter*, or *improve*, what the *Synod* has *defined*; to *add* to, or to *take* from it; ſo as to render it, in his Opinion, more uſeful to the *End* for which it was deſign'd, I cannot tell. But ſure I am that this *Princes* have done; and ſo, I think, they have Authority to do. For ſince the *Legis-lative Power* is lodged in their hands, ſo that they may make what *Laws*, or *Conſtitutions*, they think fit, for the *Church*, as well as for the *State*: Since a *Synod*, in matters relating to *Diſcipline*, is but a kind of *Council* to them, in *Eccleſiaſtical Affairs*; whoſe *Advice* having taken, they may ſtill act as they think fit: Seeing, laſtly, a *Canon*, drawn up by a *Synod*, is but as it were Matter prepared for the *Royal Stamp*;

Stamp; the laſt *forming* of which, as well *enforcing* whereof, muſt be left to the *Prince's Judgment:* I cannot ſee why the *Supreme Magiſtrate*, who confeſſedly has a *Power* to *confirm*, or *reject*, their *Decrees*, may not alſo make ſuch other Uſe of them as he pleaſes; and *correct*, *improve*, or otherwiſe *alter* their *Reſolutions*, according to his own liking, before he gives *Authority* to them.

'Tis true, in this Caſe, the *Prince* will not ſo much *confirm* what the *Synod* has done, as take Occaſion from that which the *Synod* has done, to make another *Eccleſiaſtical Law* of his Own. But ſtill this *Power* the *Supreme Civil Magiſtrate* has: And if this be all the Uſe he ſhall think fit to make of his *Synod*, *viz.* to ſuggeſt to him fit matter for the making of ſome *ſeaſonable* and *good Laws*; I do not ſee wherein he can be accounted to abuſe his Authority: And ſure I am, 'tis no ſmall Service done the *Church*, to ſuggeſt ſuch *Thoughts* to the *Prince*, as otherwiſe perhaps might never have entred into his *Mind*.

§ 36. And as the *Prince* has this Authority over the *Canonical Reſolutions* of his *Synods*, ſo has he no leſs, over their *Judicial Determinations:* Which, 5*thly*,

5*thly*, He may either *confirm*, *ſuſpend*, or totally *annul*; as he thinks they have proceeded either *fairly*, and *impartially*, and with *good Judgment*; or elſe *haſtily*, and *partially*, and with *Prejudice* in them. For the *Prince*, as He is the *ſupreme* Fountain of *Juſtice* in the *State*, ſo does it appertain to him to rectify the undue Proceedings of *inferiour Judges:* And to his *Conſcience* there will always lie an *Appeal*, let the *Synod* determine how it will.

Theſe are the *Rights* of *Chriſtian Princes*, with reſpect to the *Actions* of *Synods*, after they have done their Buſineſs; and that theſe have All been *confirm'd* and *allow'd* of to them by ſuch *Aſſemblies*, I ſhall now proceed, from a brief *Hiſtory* of this *Matter*, to ſhew.

When *Neſtorius* had infected the *Church* with his *Hereſie*, he was by two of the Greateſt *Patriarchs* of the World, *Celeſtine* Biſhop of *Rome*, and *Cyril* Biſhop of *Alexandria*, in their ſeveral *Provincial Synods*, juſtly condemn'd; unleſs he ſhould repent of his Error within *ten days*. Being inform'd of theſe Sentences, thus paſs'd againſt him, he applied himſelf to *Theodoſius* the *Emperor*; complain'd of their *Proceedings*, and deſired that a *General Council* might be call'd, to judge of this Matter.

Theo-

Theodoſius, who at the ſame time was moved by Others to the ſame purpoſe; Reſolves upon a *General Council* to meet at *Epheſus*; and in the mean time, ſuſpends the Decrees of the *two Provincial Synods*, and orders that nothing ſhould be innovated till that *Council* ſhould meet. And when the *Council* was met, the *Fathers* were ſo far from complaining of this *Suſpenſion*, as a hard thing; that they appointed the *Emperor's Order* to be inſerted into their *Acts*, and thereby gave a kind of *Conciliary Authority* to it. Or if this be not yet plain enough, let it farther be obſerved, that the *Council* hereupon treated *Neſtorius*, both in *Words* and *Actions*, as a *Catholick Biſhop*; and invited him to *come*, and *ſit* among them as ſuch. Which evidently ſhews, that the *Council* made no doubt, but that the *Emperor* had ſufficient Authority to *ſuſpend* thoſe *Synods* Decrees; and that by his *Suſpenſion*, their *Sentence* had not yet taken place againſt him.

And the ſame was done in the Caſe of *Eutyches*, the next great *Heretick* that infeſted the *Church*. Who being condemn'd by *Flavian*, Patriarch of *Conſtantinople*, and his *Council*; obtain'd of *Theodoſius* another *General Council* to meet at *Epheſus*,

ſus, under the Preſidence of *Dioſcorus* Patriarch of *Alexandria*. In this *Council*, by the Power and Fury of *Dioſcorus*, all was tumultuouſly tranſacted; and *Flavian* was condemn'd, as having depoſed *Eutyches* contrary to the *Canons*.

Againſt this *Sentence*, *Flavian* appeals; and Pope *Leo* being applied to, calls a *Synod* at *Rome*, and therein rejects the *Acts* of the *Epheſine Council*; in which all things had been carried in a very *diſorderly*, and *uncanonical Manner*. For the better repealing of which, *Leo* applies to *Theodoſius* for help: He intreats him, that he would by his *Authority* reſcind all that had been done, either by *Flavian* againſt *Eutyches*, or by *Dioſcorus* againſt *Flavian*; or at leaſt would *ſuſpend* it, till a *General* and *Free Council* ſhould determine the Matter.

'Tis true, this *Theodoſius* would not conſent to; tho' *Leo* had intereſted no leſs Perſons than *Valentinian*, and his *Empreſs*, in the Cauſe with him. But yet *Leo*'s Requeſt ſhews that he thought the *Emperor* had *Power* to reſcind the *Acts* of *Both* thoſe *Councils*: And his Refuſal convinces us, that he himſelf thought he was no way concluded by what *Leo*, and his *Synod*, had reſolved; in Oppoſition to the *Council*

Council of *Epheſus*. However, what *Theodoſius* refuſed, *Marcian* aſſented to. He cauſed a *General Council* to be held at *Calcedon*; and when he found *Flavian* to be juſtified by it, he revoked both the *Definition* of the former *Synod*, and the *Conſtitution* of *Theodoſius* againſt him.

Such an *Authority* were the *Emperors* wont to exerciſe over the *Acts* of the moſt *General Councils*, in *confirming*, *ſuſpending*, or *annulling* their *Sentences!* And ſo undoubtedly did the *Biſhops* in thoſe times believe that they ought of *Right* to be *allow'd* ſuch an *Authority*.

§ 37. Nor has the *Prince* any leſs Power to judge of their *Conſtitutions*, than to enquire into their *Sentences*; and either to *confirm*, or *reject* them, as he *approves*, or *not*, of their *Deciſions*.

When *Reccaredus* confirm'd the *Canons* of the Third *National Council* of *Toledo*; he gave this Reaſon why he did it, *That they were compoſed with great maturity of Senſe and Underſtanding; that they were agreeable to his Judgment, and conformable to the Diſcipline of the Church.* Edict. Reg. de Confirm. Concilii Tol. iii. Cum enim ſenſus maturitate, & intelligentiæ Gravitate, conſtant eſſe digeſta, *noſtra proinde Authoritas* jubet, &c. —— Capitula enim quæ *noſtris ſenſibus placita*, & diſciplinæ Congrua, à præſenti conſcripta ſunt Synodo; in omni Auctoritate —— obſerventur, & maneant.

It was the ſame Perſwaſion that moved *Ervigius* to *confirm* the *Acts* of the Thirteenth *Synod*, held in the ſame City. He ſpecially *recited*, and *approved* of their *Decrees*; and by his *Royal Authority* form'd their *Canons*, into an *Eccleſiaſtical Law*, for all his People to obſerve. The ſame did *Egica*, in the Seventeenth *Council*: He recited the ſeveral Heads of what the *Fathers* had done; and upon a mature Conſideration, a full Knowledge, and Approbation of their *Acts*, he gave force to them.

Vid. leg. in Confir. Concil. Editam.

Vid. leg. in Confir. ejus Concil. Edit.

The truth is, it ſeems to have been the uſual Method of the *Princes* about this time; not ſo much to confirm the very *Acts* of their *Synods*, as to form the *Subſtance* of their *Definitions* into a *Law*; and to take Occaſion from their *Decrees*, to determine ſuch things as concern'd the *Church*. Thus the *Spaniſh Kings*, now mention'd, did: and ſo *Clotharius* the *Third*, did, with Reſpect to the Fifth *Council* of *Paris*, An. 615. He publiſh'd his *Edict* in the Cloſe of it; and therein expreſly eſtabliſh'd what the *Fathers*, in the *Synod*, had agreed to.

It was after the ſame manner, that a great part of the *Capitulars* of the *French Kings* were compoſed. They took the Sub-

Subſtance of what their *Synods* had agreed to; and having *examined*, and *form'd* it, according to their own liking, they publiſh'd it for a *Law* to their *Subjects*. Inſomuch that ſometimes they have even referr'd to the *Canons* of their *Synods*, for the more clear underſtanding of what the *Law* had only *briefly*, and, in *general*, deliver'd.

Capit. 1. An. 813. ſive Capitula xxviii. *de Confirmatione Conſtitutionum quas Epiſcopi in Synodis, Auctoritate Regiâ nuper habitâ, conſtituerant.* — Et capit. An. 814. cap. xiii. *Has omnes Conſtitutiones eccleſiaſticas, quas ſummatim, breviterque perſtrinximus, ſicut plenius in Canone continentur, manere perenni ſtabilitate ſancimus.* Col. 530 Tom. 1. *Baluz.*

Such, in particular, was the Uſe which both *Carloman*, and *Charles* the *Emperor*, made of his *Synods*. They call'd them, as their Council, to adviſe them in *Eccleſiaſtical Matters*; and their *Synods* look'd upon themſelves no otherwiſe. They ſubmitted their *Decrees* to their Examination; and pretended not to expect that They ſhould *confirm* them, any farther than they *appear'd* to them to *deſerve* it. Thus the *Fathers*, in the *Third Council* of *Tours*, declare, that they met to aſſiſt the *Emperor* by their Remarks of what they judged to need ſome Amendment. And having drawn up their Opinions in *Fifty one Canons*, they thus finally conclude

Vid. Præf. Synod. Liptinenſ. An. 743.

Præf. Concil. Turon. To. vii. *p.* 1260.

All: *These things we have thus debated in Our Convention: But how it will please our most Pious Prince hereafter to Act, with Relation there unto; we, his faithful Servants, are Ready, with a willing Mind to submit to his Pleasure.*

Hæc nos in Conventu noſtro ita Ventilavimus: ſed quo modo deinceps piiſſimo *Principi noſtro de his Agendum placebit*, nos fideles Ejus famuli, libenti animo, ad *Nutum*, & voluntatem ejus parati ſumus. *Ib. p.* 1270.

And the ſame was the Deference which the *Council of Arles*, which met the ſame Year, paid to his Authority. *These things*, ſay the Fathers, *which we found to need Amendment, we have in a few words, after the ſhorteſt manner, obſerved, and decreed to preſent to our Lord the* Emperor: *Beſeeching his Clemency, that if Any thing be found wanting, it may be ſupplied by his Prudence; If any thing be deſigned otherwiſe than in Reaſon it ought to have been, by his Judgment it may be Amended; if any thing be Well and Rationally decreed, it may thro' his Help, by the Bleſſing of God, be brought to Perfection.*

Conc. Arelat. vi. *poſt Can.* 26. Hæc igitur ſub brevitate, quæ Emendatione digna perſpeximus, quàm breviſſimè annotavimus, & Domino Imperatori preſentanda] decrevimus; Ut ſiquid hic minus eſt, *ejus prudentia ſuppleatur*: ſiquid] ſecus quàm ſe Ratio habet, *ejus judicio emendetur*: ſiquid] Rationabiliter taxatum eſt, *ejus adjutorio*, divina opitulante Clementia, *perficiatur*.

Such a Submiſſion did theſe *Synods* pay to their *Emperor*: And this makes good what

what *Eginhart*, a Contemporary Author, of the Life of *Charles the Great* has obſerved, as to this Matter: *That Councils, by his command, were held throughout all* France, *for correcting the State of the* Church; *And the* Conſtitutions *which were made in Each of Them, were All together Compared, and Examined by Him, in the Convention of* Aix-la Chappelle, *Anno* 813. *Eginhart. de Vit Carol. Magn.*

I might farther confirm this, from the Inſtances of many other *Synods*, which have in like manner, own'd the ſame *Authority*: But I ſhall conclude all with the Words of that Council, which gave *Pattern* to all the Reſt of that Country; I mean the *Firſt Council of Orleans*, under King *Clouis*, Anno 511: whoſe *Epiſtle* to the King runs in theſe Terms: *To their Lord, the Son of the Catholick Church; the moſt Glorious King* Clouis, *all the Prieſts whom you have commanded to come to the Council.*

For as much as ſo great a Care of our Glorious Faith ſtirs you up, to the Honour of the Catholick Religion, that with the Affection of a Prieſtly Mind, you have commanded your Prieſts to be gathered together into one Place, to treat of ſuch things as are

Quia tanta ad Religionis Catholicæ Cultum Glorioſæ fidei Cura Vos excitat, ut Sacerdotalis Mentis affectu Sacerdotes de rebus neceſſariis tractaturos,

tractaturos in unum coll. gi juſſeritis; ſecundum —— Voluntatis veſtræ Conſultationem, & Titulos quos dediſtis, ea

Neceſſary; *We have, according to the* Purpoſe of your Will, *and* the Heads which you gave to us, *anſwer'd in Our* Definition, *as to us ſeem'd Good: So that if thoſe things which we have Eſtabliſhed, are alſo approved of, as Right, by* your Judgment; *The* Conſent *of ſo great a* King, *and* Lord, *may Confirm the Sentence of the* Prieſts, *to be obſerved with the Greater Authority.*

quæ nobis viſum eſt definitione Reſpondimus: Ita utſi ea quæ nos ſtatuimus. etiam veſtro Recta eſſe Judicio comprobantur, tanti Conſenſus Regis ac Domini, majori auctoritate ſervandam tantorum firmet ſententiam Sacerdotum. *Inter Act. Concil. Aurelian.* 1. *Anno* 511.

§ 38. And thus have I done with the *Firſt Thing* which I propoſed to Conſider. I have ſhewn what *Authority* the *Chriſtian Prince* has always been accounted to have over *Eccleſiaſtical Synods*; with reſpect to the *Aſſembling* of them; to their *Proceedings whilſt* they are *Sitting*; and to the *Confirming*, or *Annulling*, their *Decrees* afterwards. I ſhall make only an *Obſervation* or two upon the whole, with Reſpect to our preſent purpoſe; and ſo *conclude* this *Chapter*.

And, 1*ſt*. I muſt take notice, that whatever *Privileges* I have here ſhewn to belong to the *Chriſtian Magiſtrate*; they belong to Him *as ſuch*: They are not derived

derived from any *poſitive Laws* and *Conſtitutions*; but Reſult from that *Power* which every ſuch *Prince* has *Originally* in *Himſelf*; and are to be look'd upon as part of thoſe *Rights*, which naturally belong to *Sovereign Authority*.

Hence we find, that *All Princes*, in *All Countries*, how different ſoever they have been in other Reſpects, have yet evermore claim'd an *Equal Authority* in theſe *Matters*. And the little *Kings* of *Suevia*, and *Burgundy*, accounted themſelves to have as good a *Title* to Them, as the *Roman Emperors*, in their moſt flouriſhing Eſtate, had.

Which being ſo, it will follow *2dly*: That every *Sovereign Prince*, has a *Right* to Exerciſe this *Authority*, within his *Dominions*: And that to prove this *Right*, it is ſufficient to ſhew, That he is a *Sovereign Prince*; and therefore ought not to be deny'd any of thoſe *Prerogatives*, which belong to ſuch a *Prince*; among which this *Authority* is One.

'Tis true, ſuch *Princes* may, by their own *Acts*, *limit* themſelves, as they think fitting. And theſe *Limitations* may give ſuch *Aſſemblies* a *Privilege* in *One Country*, beyond what they have in *Another*. But then theſe *Limitations* muſt be plainly proved

proved to have been made in their favour: And till they are ſo, the *Prince* muſt be accounted to have a *Right* to that *Power*, which, as a *Prince*, belongs Him; and is not yet proved to have been *given away* by Him.

And therefore 3*dly*: Whereas it is now to be Enquired, What the *Authority* of our *Kings* is, over our *Convocations*; We have thus far proceeded towards the diſcovery of it, that we have ſhewn what *Power* They had *Originally* over Them, and, as *Chriſtian Princes*, ought ſtill to Enjoy. And thoſe who will *Reſtrain* Them with *narrower Bounds*, muſt firſt ſhew, how they came to *loſe* that *Power*, which they would *take* from Them; and which, till This ſhall be cleared, they muſt be Preſumed ſtill to have a *Right* to.

CHAP.

CHAP. III.

Of the Authority *which our* Own Kings *have over their* Convocations; *with Reſpect both to their* Meeting, *and* Acting *firſt; and to the* Confirming, *or* Annulling *of their* Acts *after.*

§ 22. WE have now ſeen what *Authority* all Other *Chriſtian Princes* have claim'd and Exerciſed over their *Clergy*, from the firſt *Converſion* of the *Empire* to *Chriſtianity*; till the Prevalence of the *Papal Power*, began to deprive Them of that Supremacy, which, of Right, belong'd to Them. Let us go on, upon this Foundation, to Enquire,

II. *Whether our* Own Kings, *have not as Great an* Authority *over their* Convocations; *as any Other* Princes *have ever pretended to, over their* Councils?

That this, of Right, they Ought to have, I have before obſerved: The only Queſtion is, whether our *Own particular Conſtitution* has interpoſed, to *deprive* Them

Them of that *Authority*, which, we have already ſhewn, did originally belong to Them.

And here I might juſtly leave it to Thoſe who advance ſuch Pretences, to produce their Proofs, and ſhew us upon what Grounds they do it: And account the *Right* of our *Kings* to this *Authority*, to have been ſufficiently eſtabliſhed, in that common Claim, which I have already proved all *Chriſtian Princes*, as ſuch, have ever made to the *Exerciſe* of of it. But that nothing may be wanting to the clearing of this Matter, beyond all reaſonable Exception; I ſhall, to the *General Argument* I have before made uſe of, add thoſe particular Confirmations, which our own *Laws* and *Cuſtoms* afford us, of this Truth: And ſhew, that, by our own *Conſtitution*, the *King* of *England* has all that *Power*, at this day, over Our *Convocation*; that ever any *Chriſtian Prince* had, over his *Synods*.

(1*ſt*.) Then, if we conſider His Authority, as to the firſt thing before-mention'd, *viz*. of Calling together of the *Clergy*, in *Convocation*.

We are told by One of the moſt Eminent *Profeſſors* of our *Laws*, that it was, among

among other Points, Reſolved by the Two *Chief Juſtices*, and other *Judges*, at a Committee of *Lords* in *Parliament*; *Trin.* 8. *Jac.* 1. *That a* Convocation *cannot Aſſemble, at their convocation, without the* Aſſent *of the* King. And One would think ſuch Perſons ſhould not only be very well Qualified to know what our *Law* is; but ſhould alſo be very Careful, (eſpecially at ſuch a *Time*, and in ſuch a *Place*,) not to deliver any thing for *Law*, which They were not very well aſſured was ſo.

But becauſe ſome have excepted againſt the *Authority* of this *Report*; as a *Piece* that was publiſhed after the *Death* of the *Author*, and in *Suſpected Times*; (Tho' I cannot ſee what Intereſt any One ſhould have, to falſifie his Relation in the Inſtance before Us;) We will take his Opinion from a Book which we are ſure is Authentick, and lies open to no Exceptions. 4. *Inſtit. pag.* 322. Where treating expreſly about the *Court* of *Convocation*, He affirms, *that the Clergy were never Aſſembled, or Call'd together, at a Convocation, but by the* King's Writ. And in which, tho' I am ſenſible He has ſpoken a little too Generally, as to *matter of Fact*; yet in *point of Law*, (and in

in which only I make uſe of his *Authority*,) I cannot but look upon him to have been abſolutely in the Right: It being certain that the *Clergy* not only now cannot, but never could be, *lawfully*, call'd together in *Convocation*, but by the *King's Writ*, or with his *Conſent*.

And in affirming this I ſay no more, than what was the joint Opinion of the whole *Repreſentative Body* of the *Nation*; as well of the *Clergy* in their *Convocation*, as of the reſt of the Realm, in *Parliament*; 25 *Hen.* 8. And from whence, if from any Authority, we may certainly the beſt take our Meaſure to judge, Whether a thing does, of *Right*, belong to the *King*, and is a part of his *Royal Prerogative*, or No.

For, 1*ſt*. As for the *Clergy*; We are told in the Preamble to the Act of the 25 *Hen.* 8. *chap.* 19. *That the Clergy of this Realm of* England, *had acknowleged, that the* Convocation *of the ſame Clergy is, always hath been, and ought to be, Aſſembled, only by the King's Writ.*

And, 2*dly*. As for the *Laity*, the *Parliament* in the ſame *Act* not only concurs in the ſame opinion with Them, in the *Preamble* before-mention'd; that this

their

their Acknowledgment was *according to the Truth:* But in the Body of the *Act* it ſelf, have Provided thereupon, that from thenceforth They never ſhould meet in *Convocation*, without the *King's Leave*, to Empower them ſo to do: *Be it enacted* (ſay They) *by the Authority of this preſent Parliament, according to the ſaid* Submiſſion, *and* Petition *of the ſaid* Clergy; *That They, ne any of Them, from henceforth, ſhall preſume to Attempt*, &c. *Nor ſhall Enact*, &c.——*in their* Convocations, *in time Coming; Which always ſhall be aſſembled by Authority of the King's Writ.* And from all which it is Evident, that in the Opinion both of that *Parliament*, and of that *Convocation*; the *King* not only *ought* to *have*, and by *Law*, now *has*, the ſole Authority of *Calling* the *Clergy* together in *Convocation*; but that this is ſuch a *Power* as did *always* of *Right* belong to Him; and that no *Convocation* ever could be lawfully aſſembled, *without* his *Permiſſion*, or *againſt* his.

Hence it is that not only our Preſent *Convocations* are all ſummoned by the *King's Writ*, directed to the *Archbiſhop* of Each *Province*, for that purpoſe; but if we look back to the times preceeding this *Statute*, we ſhall find the ſame to have

have been the antient manner of ſummoning of Them. And tho', in a matter of this Nature, it is not to be expected we ſhould be able to produce the very Copies of the *Writs*, by which our *Convocations* were called, from the beginning; yet I ſhall hereafter plainly prove, that, from the beginning, they did meet by the *King's Command*: And we have the very *Writs* of *Summons* as far back as the 9 *Edw.* 2; that is to ſay, for above 200 years, before this *Acknowledgment* of the *Clergy*, and *Act of Parliament*, were made.

§ 4. Such *Right* have our *Kings* to Call their *Convocations*: Nor is their *Authority* any leſs, in all thoſe Circumſtances which I have ſhewed, were wont to Accompany their Calling Them.

If we conſider the *Time*, and *Place* of their *Meeting*, they are expreſly limited in the *Writ*, by which They are *Summon'd*. And tho' Cuſtom has, of late, ſo far prevail'd, that the *Convocation* has generally met at the ſame *Time* that the *Parliament* has done; and at St. *Paul's Church*, or *Chapter Houſe* in *London*; yet have not our *Kings* ever been ſo far confined in either of theſe Particulars, as not

to

to have it ſtill in their Power, to call the *Convocation* at any *other time*, or to any *other place*, which they ſhall think fit.

In that *antient Summons* I before mention'd; (perhaps the moſt *antient* of any we have now remaining;) of the 9th. of *Edw.* II. The *Convocation* was call'd to meet *Febr.* 9. but the *Parliament* ſate *October* 16. foregoing. And in the *Writs* of theſe latter times, though the *Convocation* be call'd, and its *Seſſion* confin'd to that of the *Parliament*; yet ſtill, if the King pleaſes, he may continue the *ſitting* of the *one*, after the *other* is *prorogued*, or even *diſſolv'd*: And for the *Place*, it is ſometimes determin'd to be St. *Paul's*, *London*; but for the moſt part is left, with a Greater Latitude, to be held at any other *Place*, which the *Archbiſhop* ſhall judge to be more convenient for it. *See the Hiſt. of A B. Laud pag.* 80. *See the Writs of Summons, Append.*

§ 5. And the ſame is the Caſe as to the *Perſons*, who are to come to the *Convocation*; and the Choice of whom as it is ſtill determin'd by the *King's Writ*, ſo muſt it be allow'd to have Originally depended upon it. For having firſt declared, in *General*, the Reaſon, wherefore he had reſolv'd to *call* his *Clergy* together; He next goes on to ſpecifie, in particular, whom he required the *Archbiſhop* to

ſummon to the *Convocation*: That he ſhould Order firſt the *Biſhops* of his *Province*, with the *Deans*, and *Archdeacons*, to come in * *Perſon*; and, ſecondly, the *Chapters*, and *Archdeaconries*, to ſend their ſeveral *Proxies*, to repreſent them; the *Chapters*, *one* of their body; and every *Archdeaconry two*, to be choſen by them for that purpoſe.

* *Before the diſſolution of our Monaſteries, the Abbots and Priors were to meet in Perſon likewiſe: See the old Summons. Append.*

I ſhall not need to enquire, how this came to be the ſettled number that was to make up our *Provincial Synods*, or *Convocations*. Whether this manner of Choice was deriv'd from the antient manner of *holding Convocations*, into the *Parliamentary Writs*; or from the *Parliamentary Writs* of *King Edward* I. into the *ſummons* of *Convocations*, which from thenceforth uſually met together with the *Parliament*. Howſoever this were, thus much is evident; that ſince the Power of Aſſembling the *Clergy* in ſuch *Convocations* is ſeated *Originally* in the *King*; ſo that they have no *Authority* to come together, but what he gives them; It muſt follow, that neither can any *other Perſons* have a *juſt Right* to come to theſe *Aſſemblies*, than ſuch only as are *commiſſioned* by him; or are choſen by ſuch *Rules* as he has *preſcribed*, for the *choiſe* of *thoſe* whom he allows to be ſent to them.

It

It remains then, that not only the *calling* of our *Convocations*, but the determination of the *Time*, and *Place* of their ſitting; of the *Perſons* who are *themſelves* to come to them, and of the manner of *chooſing Repreſentatives* for thoſe who are not; all depend upon the *Authority* of the *Prince*, and were *originally* deriv'd from thence. And ſo, laſtly, does their very *ſitting* too. For however Cuſtom, (which in time becomes a kind of *Law*) has in this, as well as in ſome of the foregoing *Circumſtances*, ſo far prevail'd, that when ſoever a *Parliament* is *held*, a *Convocation* is *call'd* together with it; yet is this rather a *matter* of *Form*, than any *effectual Summons*: And the *King* ſtill keeps his *Antient Power*, to all intents and purpoſes, in his own hands; and ſuffers them not either to *ſit*, or *act*, but *when*, and as *often*, as he thinks fit ſo to do. § 6.

Nor is this to be look'd upon as any Encroachment upon the *Liberties* of the *Clergy*, but as the Aſſertion of a *Power*, which always *did*; and, of right, *ought* to belong to the *Prince*. For though it has now, for ſome Ages, been the Cuſtom to *Convene* the *Clergy*, as often as the *Parliament* meets; yet, as it is manifeſt that when this *Cuſtom* firſt began, they met not ſo much as an *Eccleſiaſtical*

Synod, as a part of the *Parliament* of the *Realm*: So all the Uſe that was generally made of Them, was to concur with the *Other Eſtates* in granting of *Money* to the *King*; which having done, they were commonly diſmiſs'd, without entring upon any other Buſineſs.

The *Convocation* then, tho' it conſiſted of *Eccleſiaſtical Perſons*, was yet aſſembled for a *Civil End*, and ſeems rather to have been a *State Convention*, than a *Church Synod*. And however the King uſually added a *Conciliary Summons*, to his *Parliamentary Writ*, and thereby not only aſſembled the *Proctors* of the *Clergy*, under another Character; but with them many *Others* of the *Regular Clergy*, who had no place in the *Parliament Writ*: yet ſtill the Deſign was, in *Both*, the ſame, *viz.* That they might thereby more effectually confirm what had, in *Parliament*, been granted to the *King*; and the *Monks* and *Friers*, become engaged, by their own Conſent, not to oppoſe the levying of it.

Now this being the true Ground of the *Convocation*'s being call'd together with the *Parliament*; *Cuſtom*, and, if you will, the *Conſtitution* of our *Government* founded thereupon, does indeed give them a *Right* to be *ſummon'd*, when the

Parliament

Parliament is; and accordingly they are ſtill *ſummon'd* together with it: But as they have no *Cuſtom* to warrant them to *deliberate*, or *enter* upon *Buſineſs*, unleſs the *King* pleaſes to allow them ſo to do; ſo neither have they any *Right* in that Particular; but the *King* is ſtill as much at Liberty, in that reſpect, as if there had never been any ſuch *Cuſtom* eſtabliſhed for the *Calling* of them.

In ſhort; were it ſtill the Method, as formerly it was, for the *Clergy* to *Aſſeſs themſelves*; but much more, were the Caſe ſo now, as antiently it ſeems to have been, that they were a part of the *Great Council* of the *Nation*, and whoſe *Conſent* was requiſite to the *paſſing* of *Parliamentary* Acts; it would then be very evident wherefore they were Called, and what they had to do. But this being altered, and yet the *Antient Summons* ſtill continued; it makes ſome Men think it an odd Thing, that the *Convocation* ſhould be Called to no purpoſe: Not conſidering, that but for thoſe *Ends*, which are now *ceaſed*, they never had been wont either to be *ſummon'd* to *Parliament*, or at the *ſame time* with it; and that thoſe being *determined*, they have a *Right* to nothing but a *Summons*, and it were no great Matter, whether they had a *Right* to that, or no.

And this may ſuffice to ſhew what *Authority* our *King* has, by the particular *Laws* of our Own *Conſtitution*, to aſſemble the *Convocation*: and that without his *Writ*, they neither *now* can, nor ever could, regularly, come together, by any other Way.

I proceed (*2dly*) To enquire, What Power he has to direct their Debates, when they are Aſſembled?

And here we are again told by the ſame Perſon, whoſe Authority I before alleged; that the *ſecond Point* agreed upon by the *Chief Juſtices*, and *Judges*, at the *Committee* of the *Lords*, was; *That the* Convocation, *after their Aſſembly, cannot confer, to conſtitute any Canons, without Licenſe de l' Roy.* Nor is this any more than what the *Statute* of the 25 *Hen.* 8. has directly eſtabliſh'd: When having recited the *Promiſe* which the *Clergy* had, in their Petition, made to the King; That *they would never, from thenceforth, preſume to Attempt, Allege, Claim, or Put in Ure; Enact, Promulge, or Execute, any new Canon, Conſtitution, Ordinance Provincial, or Other; or by whatſoever Name they ſhall be called, in Convocation; unleſs the King's moſt Royal Aſſent, and Licence, may by them be had, to* MAKE, PROMULGE, *and* EXECUTE *the ſame, and that his Majeſty*

do

do give his moſt Royal Aſſent and Authority in that behalf: They thereupon Enact, *That ne They, nor any of Them, from henceforth, ſhall preſume, to Attempt, Alledge, Claim, or put in Ure, any Conſtitutions, or Orders Provincial, or Synodal; or any Other Canons: Nor ſhall Enact, Promulge, or Execute, any ſuch Canons, Conſtitutions, or Ordinances Provincial, by whatſoever Name, or Names, they may be called, in their Convocation in Time coming;* —— *Unleſs the ſame Clergy may have the King's moſt Royal Aſſent, and Licence, to* MAKE, PROMULGE, *and* EXECUTE, *ſuch Canons, Conſtitutions, and Ordinances, Provincial, or Synodal.*

I have tranſcribed this Paragraph of that *Act* at large, to the End it may the more evidently appear, that the Intention of it was, as well to Reſtrain the Clergy from MAKING, as from PROMULGING, and EXECUTING any *Canons*, without the *Aſſent*, and *Licence* of the *King*, firſt had, for their ſo doing. And which is indeed ſo plain, that had not the conſtant *Practice* of all following *Convocations*, and the *Opinions* of the moſt *Learned* in *Our Laws*, ſo expounded the Senſe of it, yet we could not have been eaſily miſtaken in it. For beſides that it was apparently the Deſign of this *Act*, to Reſtrain the Clergy from doing ſomewhat

which they had been wont to do in *their Convocation*: the *Statute* it ſelf interprets its own Expreſſions; and tells us that by *preſuming to Attempt*, &c. was meant as well preſuming to MAKE, as to *Promulge*, and *Execute*, any *Canons*, or *Conſtitutions*; without the *Aſſent*, and *Licence of the King*, firſt had by Them, ſo to do.

§ 8. Whether the *Convocation* may not, without the King's Writ, deliberate of ſuch things, as may be fit to be done by Them, for the Service of the *Church*, I ſhall not undertake to ſay. Certain it is, that they may not ſo deliberate, as to come to any *Authoritative Reſolution* upon any particular Point; or to frame any *Order*, or *Conſtitution*, of what kind ſoever it be, without the *King*'s Leave; which is in Effect to ſay, that they may not debate, *Synodically*, at all, without it. To deliberate of what might uſefully be conſider'd by Them, and to Petition the *King* thereupon, for Leave ſo to do; This, as it is no *Attempting* to *make* a *Canon*, &c. ſo does it not, I conceive, come within the Deſign of that *Prohibition*, which this *Act* has laid upon them. And if the *King* allows the *Convocation* to *ſit*, I do not ſee wherein they would tranſgreſs, in framing ſuch an *Addreſs*; ſuppoſing that

that his *Commiſſion* had not before prevented all Occaſion for ſuch an *Application*. But then ſtill this is but asking Leave to *act* as a *Synod*; And it will, after all, remain in the *King's* Breaſt what Anſwer to make to ſuch a Requeſt; and whether he will grant them that Leave which They deſire, or no?

As therefore the *Convocation* cannot Meet but by the *King's Writ*; ſo neither, being Met, can they proceed to any *Canonical Debates*, or *Reſolutions*, without it. For by vertue of this *Act*, they are forbid, not only to *Make*, but to *Attempt*; that is, as I underſtand it, to do any thing that tends towards the *making* of any *Canons*, without his Warrant for their Doing of it. And therefore when the *King* ſends out his *Writs* for the *Convocation* to meet; he therein reſerves to himſelf the *Privilege* of *Naming* the Subject, which they are to *deliberate*, and *reſolve* upon. For having mention'd, by way of Form, in the beginning of the *Writ*; That for *certain urgent Affairs, of great Concern both to the Church and Kingdom*, He had commanded the *Arch-biſhop* to ſummon the *Clergy* to come together, to ſuch a certain *Place*, and at ſuch a certain *Time*: He thus declares what they were to do, when they met; *Ad Tractand.*

ctand. &c. Namely, That they were *To Treat, Conſent, and Conclude upon the Premiſes; and ſuch other Matters, as ſhould more clearly be declared to them, when they came together, in the Kings behalf.*

The Affairs then which the *Convocation* is, in general, to *debate* about, and *conſent* to, are the *Urgent Affairs which concern the King, the Church, and the Realm.* And theſe therefore are the conſtant Introduction of *every Convocation Writ.* But what thoſe Affairs are, with Reference to *Any*, or *All* of Theſe, which every particular *Convocation* is call'd to conſider; That the *King* reſerves to himſelf to declare to Them; and they are, when met, to expect his *ſpecial Direction*, and not to ramble, after their own Fancies, on any Matter, within this general Compaſs, without his Warrant.

§ 9. *Letter to a Convoc. Man, p. 43.* It has indeed been queſtioned by a *Late Author*, Whether this *Clauſe* was antiently inſerted into theſe *Writs*; and he would fain have it thought, that herein alſo the *Clergy* have, of late, been encroach'd upon. But the *Forms* of *Publick Inſtruments* are not ſo eaſily altered: If they were, we might rather have expected, that ſome other Expreſſions, which relate to thoſe Privileges which the

the *Clergy* formerly enjoy'd, but which have now, for a long time, been utterly laid aſide; ſhould have been omitted, or changed; than this, which is perfectly agreeable both to the *Laws* of the *Realm*, and to his *Majeſty's Royal Prerogative*, in theſe Matters. But, indeed, this Clauſe, if not as antient as the *Writ* it ſelf, is yet of very great Antiquity: And we have at this day *Writs* as far back as King *Henry* the Sixth's Time, in which this *Clauſe* is found in the very ſame *Words* that it is continued in at this day.

Vid. Conv. Writs, 25 *Hen.* VI. *and* 23 Ed. IV.

§ 10. But were there any doubt to be made concerning the Authority of this *Clauſe*; yet that Method that has always been taken by the *King* to ſet the *Convocation* on Work, would be more than enough to ſhew how intirely their Deliberations depend upon his Direction. When the laſt *Convocation*, under his preſent Majeſty, was met; the *King*, by his *Principal Secretary* of *State*, ſent his *Commiſſion* to Them: In which having taken notice of the *Statute* of *Henry* the Eighth before mentioned, and the Obligation which was, thereby, laid upon Them, not to proceed to any Buſineſs, without his *Licence* firſt had, ſo to do; he does therefore, in order to their proceeding

with

with Safety to Themſelves, and purſuant to the true Purpoſe, and Intent of that Law; particularly declare upon what Points he allow'd Them to Conſult, and under what Conditions he gave them Authority ſo to do. *That they ſhould conſider of any Alterations which they thought proper to be made, in the Form, Rites, or Ceremonies, of our Divine Service: That they ſhould Review the Book of Canons: Should conſider, What Defects, or Abuſes, might be found in the Eccleſiaſtical Courts: How the Manners, both of the Miniſters and People, might more effectually be Reform'd: And ſuch Proviſion be made, that None ſhould hereafter be Admitted into Holy Orders, but ſuch as were duly qualified both in their Lives, and Learning, to be received into the ſame.*

Theſe are the *Heads*, on which the *Clergy* of that *Convocation* were directed to debate: And even upon theſe they were to deliberate, under theſe following Reſtrictions. *1ſt.* That the *Preſident*, and *Greater Number* of the *Biſhops*, were to be always preſent. And *2dly.* That even upon theſe General Heads, they ſhould conſider only ſuch particular *Points, Matters, Cauſes, or Things, as his Majeſty ſhould propoſe, or cauſe to be propoſed, by the Preſident of the Convocation to Them.*

Such

Such was the *Commiſſion* by which the laſt *Convocation* was ſet on work: And to prepare the particular Matters which the King reſerved to himſelf to propoſe to Them; and upon which alone They were allow'd to debate; His *Majeſty*, ſome time before the *Convocation* was to meet, appointed a *Select Committee* of the *Biſhops* and *Clergy*, to conſult about the ſame Matters; and to draw up ſuch Reſolutions, as they ſhould think moſt fitting for him to lay before the *Convocation*, when it ſhould be Aſſembled.

Nor was this any *New Invention*; any Unuſual *Reſtraint* laid upon the Clergy, in theſe days of Doubt and Diſtruſt: but the conſtant Method which had before been purſued, ever ſince the 25 *Hen.* 8.

§ 11. It cannot be deny'd but that whatever his preſent Majeſty may, in ſome Mens Opinions, be ſaid to be; yet, without all Queſtion, King *Charles the Firſt* was a true *Friend* to the *Epiſcopal Clergy*. Nor can it any more be doubted, whether Archbiſhop *Laud* had not both Care enough to Examine into the *Rights* of the *Convocation*; and Intereſt enough with that *Prince* to aſſert the Privileges of it. Let us therefore, to avoid all Exceptions in this Caſe, enquire how things paſs'd

in

in that Famous *Convocation* of 1640; wherein much was done, and great Offence given to thoſe who Reſolved not to be pleaſed with any thing that either that *King*, or that *Archbiſhop* did; but nothing that can juſtly be found fault with by ſuch, as we are now eſpecially concerned, if it may be, to convince.

Now that *Convocation* being met, by vertue of the ſame *Writ* that is ſtill made uſe of in theſe Caſes; the King ſent his *Special Commiſſion* to them, to impower them to Act; bearing date *April* 15. 1640.

See it in the Appen.

In this *Commiſſion*, he firſt at large Recites the *Statute* of the 25 *Hen.* 8. as from the time that it was made, it had always been the *Cuſtom*, in the like *Commiſſions*, to do: to ſhew the need they had of his *Royal Licence*, and *Aſſent*, to enable them to go on with ſafety in their Debates, and Reſolutions.

Having done this, He (in the next place) prefaces the Permiſſion he was about to grant to them with theſe very Words, which ought not to be omitted: *Know ye therefore, that We, for divers urgent and weighty Cauſes and Conſiderations Us thereunto moving, of our* Eſpecial Grace, *certain Knowledge, and* Meer Motion, *have* by vertue of our Prerogative Royal, and Supreme Authority in Cauſes Eccleſiaſtical

cal, *given and granted, and by theſe Preſents do give and grant, full, free, and lawful Liberty, Licence, Power, and Authority, to the moſt Reverend Father in God*, &c.

I ſhall not need to make any Remarks upon this Preamble, which fully anſwers all the Pretences of thoſe, who fancy not only the *Sitting*, but the *Acting* too, of the *Convocation*, to be a matter of *Right*, naturally belinging to Them; And that either no *Commiſſion* at all is needful to Authorize them ſo to do; or, that if there be, the *King* is, of Courſe, *obliged* to Grant it to them.

For, firſt, That without the *King's Commiſſion* they cannot proceed to any Buſineſs of *Themſelves*, (without Violating an *Act of Parliament*, and encroaching upon the *King's Prerogative Royal, and Supreme Authority in Caſes Eccleſiaſtical,*) is here directly aſſerted. And that ſuch a *Commiſſion*, the *King* may lawfully Grant, or refuſe, as he thinks convenient, not only the conſtant Cuſtom of our *Princes*, in adjourning their *Convocations*, (excepting only at ſuch times as they had ſomething for them to do,) aſſures us; but the very words of the preſent *Commiſſion*, directly imply. For how came the King to grant this Allowance to them? Was it becauſe they had

a *Right*

a *Right* to *demand* it; Or, that He had no *Right* to *refuſe* it? Was it becauſe it had always been *Cuſtomary* for them to *Sit*, when the *Parliament met*; and to have ſuch a *Commiſſion* ſent to them, as often as they *ſat*? Nothing of all this: But for *divers Urgent and Weighty Cauſes, and Conſiderations, Him thereunto eſpecially moving: Out of his eſpecial Grace, and meer Motion:* That he granted it by virtue of his *Royal Prerogative*; and of that *Supreme Authority in Cauſes Eccleſiaſtical*, which gave him the ſame Power over his *Clergy*, that all other *Chriſtian Princes* were wont to exerciſe over Theirs: And which how Great it was, as to theſe matters, I have before particularly ſhewn.

But to go on with this *Commiſſion:* The *King* having thus aſſerted his Authority; now by virtue thereof gives leave to that Convocation (*Always provided that the Preſident, and greater number of the Biſhops were preſent;*) *during the Seſſion of the Parliament then Aſſembled; to Propoſe, Confer, Treat, Debate, Conſider, Conſult, or Agree, upon the Expoſition, or Alteration of any Canon, or Canons, then in force; and of, and upon any ſuch other New Canons, Orders, Ordinances, and Conſtitutions, as they ſhould think neceſſary, fit, and convenient, for the Honour and Service of Almighty God;*

God; the Good and Quiet of the Church, and the better Government thereof; to be from time to time obſerved, fulfill'd, and kept, &c. —— *And further to Confer, Debate, Treat, Conſider, Conſult, and Agree, of and upon ſuch other Points, Matters, Cauſes and Things, as himſelf from time to time ſhould deliver or cauſe to be deliver'd unto the ſaid Lord Biſhop of* Canterbury, *Preſident of the ſaid* Convocation, *under his Sign Manual, or Privy Signet, to be Debated, Conſider'd, Conſulted, and Concluded upon.*

This was the Buſineſs for which that *Convocation* ſat, and which they were, accordingly, licenſed to enter upon. But the Reſtrictions under which they were allowed to Act, are yet more narrow than Thoſe which his preſent *Majeſty* laid upon our late *Convocation.* For all this They were required to do, not only under the ſame Conditions that I have beforeſhewn were laid upon the Other; but with theſe further Limitations: namely, *That the ſaid Canons, Orders, Ordinances, Conſtitutions, Matters and Things, or Any of Them, ſo to be Conſider'd, Conſulted and Agreed upon, as aforeſaid, ſhould not be contrary, or repugnant to the* Liturgy *Eſtabliſhed; or to the* Rubricks *in it; or to the* 39 Articles; *or to any* Doctrine, Orders *and* Ceremonies *of the* Church of England, *already Eſtabliſhed.*

Thus did this Prince give ſuch *Orders* for the Proceedings of this *Convocation*, as he thought expedient to be obſerved by Them. And when, for the more effectual ſuppreſſing, and preventing of the *Growth* of *Popery*, He reſolved an Oath ſhould be framed for the *Clergy* to take, of their firm adherence to the *Doctrine* and *Diſcipline* of the *Church of England*; And that a *Canon* ſhould be drawn, to enforce the taking of it: He ſent a *new Order* to them, *May* 17, to empower them to enter on that Debate; and to require them to Prepare, and preſent ſuch an *Oath* and *Canon*, to Him.

§. 12. But other *Princes* have gone yet farther than this: They have not only preſcribed to their *Convocations* what they ſhould go about, but have actually drawn up beforehand, what they thought convenient to have Eſtabliſh'd; and have required them to Approve of it. In the *Convocation* which met *May* 18, 1 *Jac.* 1: The King ſent his *Letters* with the *Articles* of 1562, to Them, to be Approved, and Allowed of by Them. And to another *Convocation*, about four Years after, the ſame Prince ſignified to both *Houſes* his Pleaſure, for *Singing* and *Organ Service* to be ſettled in *Cathedral Churches*, without ever ſubmitting it to their Judgment, whether they approved of it, or no. I

I ſhall conclude theſe Remarks, with the Opinion which the *Lower Houſe* of *Convocation* had, of the Neceſſity of the *King's Authority*, to Empower Them to enter with Security on their Debates about Matters of Religion, in the firſt Year of King *Edward* the Sixth: At the firſt Meeting of which, we find this Order, among ſome others, made by them; That *Certain be appointed to know, whether the* Arch-biſhop *has obtain'd Indemnity, for the Houſe to intreat of* Matters *of* Religion, *in Caſes forbidden by the* Statutes *of this* Realm *to treat in.*

But there is another Particular, in which I have before ſhewn, that *Chriſtian Princes* had, upon Occaſion, exerciſed an Eminent Authority over their *Synods*; Whilſt, for the better *Obſervance* of the *Orders* which they gave to Them, They aſſerted a *Right* either in *Perſon*, or by their *Commiſſioner*, to ſit with, and to *preſide* over Them. § 13.

That our *Kings* heretofore, did *meet*, and *ſit* together with their *Clergy*, is not to be deny'd. And our Great Oracle of the Law has told us, That *they did oftentimes appoint Commiſſioners, by Writ, to ſit with them at the* Convocation, *and to have Conuſance of ſuch Things as they meant to Eſtabliſh, that nothing might be done in prejudice of their Authority.* [12] 'Tis 4 *Inſt.* p. 323.

25 *Hen.*8. *cap.* 19. 'Tis true, ſince the Reſtriction laid upon the *Clergy* by the *Statute* of K. *Henry* 8; the King is now become ſo ſecure of them, that He has no great need to ſend any ſuch *Commiſſioner* to them, to regulate their Proceedings. For being neither at liberty to enter upon any *Synodical Act*, but what he gives them leave to go upon; Nor, when they have concluded upon any Point, being allow'd to *Promulge* or *put it in Execution*; unleſs it ſhall be *approved of*, and *confirmed* by *Him*: He has nothing left to apprehend from them; but is, by his *Commiſſion*, as effectually *Preſident* over their *Debates*, as if he were preſent in *Perſon*, among them.

And yet tho' this *Act* has, therefore render'd the Exerciſe of ſuch an *Authority* leſs neceſſary than it was before; it has not depriv'd the *King* of it. For even after the paſſing of this *Statute*, K. *Henry* 8, by his *Vicar General*, not only preſided, together with the *Archbiſhop*, over the *Convocation*; but *Deliberated*, *Voted*, and, to all intents and purpoſes, *Acted*, together with his *Clergy*, in it.

This is manifeſt from the *Acts* of the *Convocation* of the year 1536; and of which it may not be amiſs to give a ſhort account, upon this Occaſion.

" Upon the 9*th* day of *June* 1536.

" Mr.

" Mr. *William Peter* came into the *Convo-*
" *cation* and alleged, That for as much as
" this *Synod* was called by the Authority
" of the moſt illuſtrious Prince, K. *Hen-*
" *ry* 8; and that the ſaid *Prince* ought to
" have the firſt Place in the ſaid *Convoca-*
" *tion*; and in his Abſence, the Honou-
" rable Maſter *Thomas Cromwel*, his Vice-
" gerent, being *Vicar General* in *Eccleſia-*
" *ſtical Cauſes*, ought to poſſeſs his Place:
" Therefore he deſired, that the ſaid
" Place might be aſſigned to Him. And
" at the ſame time preſented his ſaid Ma-
" ſter's *Letters*, *Sealed* with the *Seal* of
" his *Office*, as *Vicar General*: Which being
" read, the moſt Reverend the *Archbiſhop*,
" aſſign'd him a Place beſides himſelf.

" On the 11*th* of *July*, in the ſame *Con-*
" *vocation*, the Bp of *Hereford* produced
" a certain *Book*, containing the *Articles*
" of *Faith*, and *Ceremonies* of the *Church*.
" Which being read by the ſaid *Biſhop*,
" the ſaid Honourable *Thomas Cromwel*,
" the *Archbiſhop*, and other *Prelates*, with
" the *Prolocutor*, and *Clergy* of the *Lower*
" *Houſe*, by their *Subſcriptions* Approved
" of the ſaid *Book*.

" On the 15*th* of *July*, It was agreed
" by the Lord *Cromwel*, the *Archbiſhop*,
" and *Convocation*, as to certain *Ordinan-*
" *ces, &c.*

" And

" And laſtly, On the 20*th* of *July*, the " Biſhop of *Hereford* produced a certain " *Book*, containing the *Cauſes* why the " *King* ought not to appear at the *Gene-* " *ral Council*, then to be held. Which " *Book* the aforeſaid Honourable Lord " *Thomas Cromwel*, the *Archbiſhop*, and " the Reſt of the *Convocation*, by their " *Subſcriptions* approved of.

Thus did the *King's Commiſſioner* not only *ſit*, but *act* with the *Biſhops* in their *Convocation*. And I am not aware of any *Law* that has debar'd the *King*, if need were, to do that again now, which King *Henry* 8. heretofore did.

And this may ſuffice to ſhew, what *Authority* the *King* has over Our *Convocation*, both by the *Statute*, and *Common Law*; by his own *Prerogative*, as a *Chriſtian Prince*, and by the Particular Conceſſions of our own *Parliaments*, and *Convocations*.

§ 14. But we are told, that the *Convocation* muſt be conſider'd by Us, not only as an *Eccleſiaſtical Synod*, but as an *Eccleſiaſtical Court* too; and which, as ſuch, has Juriſdiction to deal with *Hereſies*, *Schiſms*, and other meer *Spiritual* and *Eccleſiaſtical Cauſes*, *juxta legem divinam*, *& Canones S. Eccleſiæ*. And herein their *Power* is not at all Reſtrain'd by any *particular Statute*,

4 *Inſtit.* p. 322.

Let. p. 59.

Statute, but ſtill remains whole, and entire to Them. In this reſpect therefore the *Convocation* may, at leaſt, *act*, without the *King's Licence*, and, as of *Right*; againſt any *Biſhop*, *Prieſt*, or *Deacon*, for ſuch *Offences*.

This is the Doctrine of our *Late Author*; but is not ſo clear to me, as he would make it. That *Provincial Synods*, heretofore, did look upon Themſelves as endued with a ſufficient *Authority* to proceed againſt any of their *Own Body*, who, by any of the *Crimes* before mentioned, had deſerved their Cenſure, is not to be deny'd. The *Provincial Councils* of old did ſo; but eſpecially in the Caſe of *Hereſie*, wherein the *Church* has ever Accounted it ſelf to be particularly Concern'd. But then it muſt be remember'd too, that when they had ſo proceeded againſt Any One, the *Prince* ſtill judged whether they had *acted Canonically*, or no: And if he found a juſt Reaſon to move Him ſo to do, he did, oftentimes, ſuſpend their *Sentence*, and order a new Enquiry, in ſome other *Synod*, to be made of ſuch a Matter; and after all, determined it, at laſt, as He ſaw Cauſe. Thus *Theodoſius* did in the Caſe of *Neſtorius*, after he had been Condemn'd in two ſeveral *Provincial Councils*: And thus *Conſtantius* [ii] See Chap. § 26-36.

Epiphan. Hær. lxxi. n. 1. *ſtantius* before him, had done, in the Caſe of *Photinus*, a worſer Heretick. He received his Appeal from the *Council* of *Sirmium*; and order'd a new Examination to be made of his Caſe: and then confirm'd the *Sentence* of the *Synod*, and concurr'd in the Depoſition of him. And when *Flavian* Patriarch of *Conſtantinople*, had in like manner condemned *Eutyches* for his *Hereſie*, the *Emperor* not only referr'd the Matter to the *Council* of *Epheſus*, to be re-heard by it; but when, by the indirect Management of *Dioſcorus*, that *Synod*, inſtead of *Confirming* his *Sentence* againſt *Eutyches*, condemn'd *Flavian* himſelf, tho' *Orthodox* and *Innocent*; *Theodoſius* not only refuſed to *ſuſpend* the *Sentences* of *Both*, till another *Free Council* might be call'd to judge of the Matter; but left the *Sentence* of this laſt *Council* to remain in force, and would not ſuffer any other *Synod* to be called, about this Affair, as long as He lived.

§ 15. As for our *own Convocation*, it is not deny'd but that antiently They were wont to *judge* of *Hereſy* in it. The firſt Inſtance that occurs of this, and that (the caſe of *Pelagianiſm* excepted) as antient as the firſt coming of *Hereſie* into our Country; is that of the *Council* of *Oxford*, held about 1260; and the *Occaſion* of which

Neubrigenſ. Lib. 2. cap. 13.

which was this. It had happen'd ſome time before, that about 30 Perſons came over hither out of *Germany*, and held ſecret Meetings; differing from the *common Opinion* of the *Church* in ſeveral Particulars, but chiefly as to the points of *Baptiſm*, and the *Holy Euchariſt*. To prevent the ſpreading of their Errors, the *King* commanded that *Council* to meet at *Oxford*, and there to judge of them. Being convened before this *Synod*, and convicted of their Errors; and, refuſing to abjure them, they were pronounced *Hereticks* by it, and deliver'd back to the *King*, to be puniſhed by the *Civil Power*.

It is in a *Provincial Council* held by *Steph. Langton*, that we meet with the next Inſtance we have, of the like Proceedings. In this we are told of two *Impoſtors*, upon one of whom were found the *five Wounds* of the *Crucifixion*, convicted and condemn'd by the Judgments of the *Church*. But *Bracton* adds to theſe another, and a more notable Inſtance. He tells us of a certain *Deacon*, who, out of *Love* to a *Jewiſh Woman*, apoſtatiz'd from the *Faith of Chriſt*; and was thereupon *ſentenc'd* and *degraded* by the *Synod*, and deliver'd over to the *Secular Power*, to be *Burnt* for it.

Mat. Weſt. ad An. 1222.

Bract. l. 3. de Coron. c. 9 n. 2. Conf. Walſ. Hyp. Neuſtr. ad An. 1222. *p.* 464.

And the ſame was the manner by which

Fitzherb. Nat Brev. p. 269. *Sautre* was condemn'd; as appears not only by the *Writ*, ſtill extant, for his Execution; but from the *Rolls* of the *Parliament* 2 *Hen.* 4. in which the order was given for iſſuing out the *Writ*, to the *Sheriffs*, of *London* for it, *Feb.* 26. He was firſt examined and condemned by the *Clergy* in *Convocation*, and by them deliver'd up to the *Civil Magiſtrate* to be burned. And tho' the Lord *Cobham* was not finally *ſentenced* in *Convocation*, but by the *Archbiſhop* of *Canterbury*, aſſiſted by the *Biſhops* of *London*, and *Wincheſter*, after it was riſen; yet was this Cauſe firſt brought on there, and he was therein both *Adjudged* an *Heretick*, and *Excommunicated*, as ſuch.

Walſ. Hyp. Neuſtr. ad An. 1413.

The Truth is, ſo great is the Scandal, and ſo ſevere, in thoſe days, was the Puniſhment too of *Hereſy*; that it has moved ſome very Learned Men to think, that before the 2 *Hen.* 4. no one could be otherwiſe convicted of it, than in a *Provincial Synod*, or *Convocation*. And tho' my Lord *Coke* maintains this to be a Miſtake, and affirms that the *Biſhop* always had, as He ſtill has, Power to *convict* of *Hereſy*, and to proceed, by the *Cenſures* of the *Church*, againſt ſuch as are guilty of it; yet this is no Argument why the *Convocation* ſhould not ſtill retain its antient Authority, and have the Power of doing that, which any ſingle *Biſhop* alone may do.

3. *Inſtit. chap.* 5.

But

But here then a queſtion may ariſe that will deſerve to be conſider'd on this occaſion; and that is, When any one is to be convicted of *Hereſie*, or of any other the like *Eccleſiaſtical Crime*, in *Convocation*; who it is that *judges* him? Whether he is to be *judged* by the *Votes* of the two *Houſes*? or, whe-he is to be *judged* by the *upper Houſe* alone, and the *lower* to ſtand in the nature of *Proſecutors* againſt him? Or laſtly, Whether the *Archbiſhop* alone does properly *judge*; and the reſt concurr, as *Aſſiſtants*, to him, and aſſent to what he does? *S.* 16.

In anſwer to which Enquiry, if I may be allow'd to offer my own Conjecture; I do conceive, that in ſuch caſes as theſe, it is not ſo much the *Convocation* that judges, as the *Archbiſhop* in *Convocation*. For beſides that, it was never known that the inferiour *Clergy* were allow'd a *Juriſdiction* in ſuch caſes; nor is there any reaſon why they ſhould have it here: Firſt, The very words of the *Writ* upon which *Sautrey* was burnt, ſeem to ſpeak in ſuch a manner of his Conviction in *Convocation*, as ſhew the *power* of *Judicature* to have

been eminently in the *Archbiſhop*, and that the reſt were only of *Council* to him, and *conſented* to what he did. *Cum venerabilis Pater* Thomas *Archiepiſcopus Cant. totius Angliæ Primas, & Apoſtolicæ ſedis legatus, de* Conſenſu & Aſſenſu, *ac* Conſilio *Epiſcoporum, & confratrum Suffraganeorum ſuorum, necnon totius Cleri provinciæ ſuæ, in Concilio ſuo Provinciali congregati —— per ſuam ſententiam definitivam Hæreticum manifeſtum* pronunciavit & declaravit, *&c.* Nor can this be ſufficiently accounted for by looking upon the *Archbiſhop* as *Preſident* of the *Convocation*, and ſo acting as *Speaker* in it. When the *Lord Keeper* in the *Houſe of Lords*, or the *Lord High Steward* in the *Commiſſion* for *Tryal* of a *Peer*, determine, or give Sentence, in any *civil* or *criminal Cauſe*; we do not find it ſaid, That *they*, with the *Counſel* and *Aſſent of the Lords*, *pronounce*, or *award*, *ſo or ſo*; but they deliver the *Sentence* of the *Lords*, and declare that this or that is *their Judgment*. And the ſame ought to have been the caſe here, ſuppoſing that the *Convocation*, or even the *upper Houſe*, had equally judged with the *Archbiſhop*. The *Writ* muſt have run in the Name of the whole

whole Body; *Whereas the* Archbiſhop *and* Biſhops, *with the reſt of the* Clergy *of the Province of* Canterbury, *in* Convocation *aſſembled, have by their definitive Sentence pronounced*, &c. Nor can any good reaſon, I believe, be given, why the *Writ* did not run in this manner, but becauſe the *Archbiſhop*, even in *Convocation*, ſtill retain'd the *power* of *Judicature*, which I ſhall preſently ſhew was peculiar to him; and by vertue thereof, *judged* of him.

And this will yet more clearly appear, Secondly, From the acts of the *Convocation* under K. *Henry* the *Fifth*, *Anno* 1413: and the Proceſs made againſt the Lord *Cobham* therein.

For firſt, Upon ſeveral Provocations given, and Affronts put upon the Clergy by the *Lollards*, and that at the very time that the *Convocation* was ſitting; " The *Archbiſhop* was *required*, in be- " half of the whole Clergy, that *he* " would *vouchſafe* to *proceed* againſt the " Lord *Cobham*, upon, and concerning " the Premiſes. *See* Walſ. Hypod. Neuſtr. pag. 574.

" In purſuance of this requeſt, the " *Archbiſhop*, with a great part of the " *Convocation*, apply to the *King*, for " leave to proceed againſt him; both

" becauſe he was a *Perſon* in great *cre-*
" *dit* with his *Majeſty*; and to be con-
" ſider'd upon the account of his *Own*
" *Honour* and *Quality*.

" Having obtain'd *leave* of the *King*
" to proceed againſt him; it is ſaid all
" along, that my *Lord* of *Canterbury*
" ſummon'd him to *appear before him*
" in *Convocation*. That when the Sum-
" mons could no otherwiſe be executed
" upon him, *he* order'd it to be fix'd
" upon the doors of the *Church* of *Roche-*
" *ſter*. That upon the eleventh of *Sep-*
" *tember*, (the day appointed for his ap-
" pearance,) the *Archbiſhop* excommuni-
" cated him; and after a farther pro-
" ceſs, at laſt came to a final Sentence
" againſt him.

'Tis true, tho' this proceſs began in *Convocation*, yet it was carry'd on, and ended out of it. But withal, it is plain, that tho' the *Convocation* was riſen, yet ſtill the *Archbiſhop* continued the ſame proceſs, that began in it. He ſate in the *Chapter Houſe* of St. *Paul's*; he took the *Biſhops* of *London* and *Wincheſter* firſt, and then to them added the Biſhop of *Bangor* for his *Aſſiſtants*. Beſides theſe, a great number of the *inferiour Clergy* was preſent: And when at laſt, the

the Lord *Cobham* was brought before him; the *Archbiſhop* took notice to him, how he had been diſcover'd, and accuſed in *Convocation*; i. e. had been accuſed to himſelf in *Convocation*, when they firſt deſired him to proceed againſt him. To all which, let me add the Preamble to the *Sentence*, which the *Archbiſhop* at laſt paſs'd upon him, and which ſhews, that both *in* and *out* of *Convocation*, the judgment of this matter lay before him: *We*, Thomas *by Divine Permiſſion*, &c. *in a certain Cauſe or Matter of Heretical Pravity, of and concerning divers Articles, upon which, Sir* John Oldcaſtle *Knight*, *Lord* Cobham, *was accuſed* before Us *in the laſt* Convocation *of the Clergy of our Province of* Cant. &c. Nor let any one think, that in aſſerting ſuch an *Authority* to the *Archbiſhop* in theſe matters, any injury is done to his *Suffragan Biſhops*: but rather, were it otherwiſe, the *Convocation* muſt apparently have encroach'd upon that eminent power of judging, which the *Archbiſhop* heretofore had. For tho' ſince the *Statute* of the 23 of *Henry* the *Eighth*, the power of the *Archbiſhop* is very much reſtrain'd; and he cannot now call whatever cauſes 23. H. 8. c. 9.

he pleaſes to his own judgment; but only under the Limitations provided in that *Act*; and therefore ſince that time, the right of judging in this caſe would, in the firſt inſtance, have belonged to the *Biſhop* of *Rocheſter*; and to the *Archbiſhop*, no otherwiſe, than either by way of Appeal, or upon ſome negligence, or defect in the *Dioceſan* to judge of it: yet before that *Statute*, the *Archbiſhop* had a power to call any cauſe immediately before himſelf; and when therefore, in his *Synod*, he did do ſo, we ought not to queſtion but that it was he, who, properly ſpeaking, did *judge*; and that the reſt of the *Biſhops* were only his *Aſſiſtants* in it.

I conclude then, that tho' the perſon, in ſuch a caſe were try'd in *Convocation*; yet, preciſely ſpeaking, it was the part of the *lower Houſe* to *diſcover* and *accuſe*; of the *Biſhops* to *counſel* and *aſſiſt*; but of the *Archbiſhop* to *hear* and *judge*.

§. 17. But ſtill the main queſtion remains to be conſider'd, namely, Whether the *Convocation*, (howſoever it be that it *judges*) may proceed in theſe caſes without the *King's leave*; or whether his *Commiſſion* be neceſſary to juſtifie them in it? That

That they are not reſtrained by vertue of that *Statute*, which has ſo much retrench'd their *power* in other reſpects, is confidently affirm'd: Nor ſhall I deny, but that the intention of that *Act* ſeems rather to reſtrain them from making any *New Canons* or *Conſtitutions*; than from judging, in *cauſes Eccleſiaſtical*, according to the *Canons* already made. Letter. p. 59.

That they had heretofore a power to judge in ſuch Caſes, my Lord *Coke* delivers as certain in point of *Law*; and from thence calls it the *Court* of *Convocation*. Nor can I ſee what injury it would be to the *Crown*, to allow the ſame power to the *Convocation* ſtill, that by Law may be exerciſed in any other *Eccleſiaſtical Court*; and which muſt needs be inferiour in dignity to this.

But ſtill the queſtion is, Whether, of Right, the *Convocation* ever had a power to *judge*, any more than to *make Canons*, without the *King's Aſſent*? And by conſequence, whether though the *Statute* of *Henry* the Eighth ſhould not have deprived them of that power, yet the *King's Prerogative* be not againſt it? For ſhould this be ſo, then whatever Laws have reſtored the *King* to his *ſupreme* *See* Ch. II. Sect. 23. 36.

preme Authority in *Eccleſiaſtical Matters*, will lie againſt this preſumed Right of the *Convocation* too: and ſo, though that Law ſhould not, yet ſome others may have limited their power in this reſpect alſo.

See loc. ſupr. cit.

And here I ſhall not preſume to determine any thing; but only offer theſe following Obſervations:

Firſt, That in *ſeveral* of the *Convocations*, in which the perſons beforemention'd were judged; the Proceſs was made either by the expreſs *Command*, or *Leave* of the *King*: And in *all* of them for ought we know, it may have been ſo. And,

Secondly, That in the *Commiſſions*, by which our *Convocations* are now enabled to *act*; the *King* gives them leave to *conferr*, *debate*, *treat*, *conſider*, *conſult* and *agree*, of *Matters* and *Cauſes*, as well as of *Canons*, *Orders* and *Conſtitutions*: and which ſeems to imply, that they need the *King's Licenſe*, as much to *judge* of the *one*, as to *deliberate* about the other.

But

But be this as it will; thus much I take to be out of all doubt, that as by our *Ancient Cuſtoms*, recognized by the *Lords Spiritual*, as well as *Temporal*, in the *Great Council* at *Clarendon*, *Anno* 1164; It was among other things reſolved, that none of the *Servants* of the *King*, or of ſuch as held of him *in capite*, might be *Excommunicated* without his leave: And again, that in *Caſe* of *Appeals*, any perſon, who thought himſelf injured, might appeal, from the *Arch Deacon* to the *Biſhop*; from the *Biſhop* to the *Archbiſhop*; and from *him* to the *King*; by whoſe order the affair was finally to be determined in the *Court* of *Arches*, and not be ſuffer'd to proceed any farther without leave of the *King*: ſo, in Conformity both to theſe *Principles*, and to that power which I have before ſhewn, has ever been claimed and exerciſed by *Chriſtian Princes* in this reſpect, I do preſume, that the *King* may not only lay a *Prohibition* upon the *Convocation*, not to *proceed* in *judgment* againſt any *perſon* whom he ſhall think fit to take into his *ſpecial Protection*; but after they have judged any one, may receive an *Appeal* from them; and

§. 18.

Ch. II. Sect. 36

See the Prohibition of Edw. I. *to this purpoſe*, Spelm. Concil. Tom. II. p. 427.

and order an Enquiry to be made, whether they proceeded *Fairly* and *Canonically* with him; and either *confirm*, *ſuſpend*, or *annul* their *Sentence*, as he ſhall find it reaſonable for him to do.

This I am ſure the ancient *Emperors* did; and the *Biſhops* and *Councils* not only ſubmitted to it, but allowed of it. And if this our *Kings* may not do; I ſhall be glad to be inform'd by what particular *Law* or *Cuſtom*, this *Power* has been taken from them.

§. 19. And this brings me to the laſt point now to be conſider'd:

(3dly.) What *Authority* our Kings have over their *Convocations*; after they have done what they were called for?

That the *Convocation* cannot meet without the *King's Writ*, I have before ſhewn from the expreſs Authority of an *Act* of *Parliament*: And that the ſame *Authority* is required to the *Diſmiſſion*, as to the *Calling* of it, has been the declared opinion of our greateſt *Lawyers* in this Caſe.

When

When a Queſtion was raiſed by ſome few in the *lower Houſe* of *Convocation*, *Anno* 1640. Whether they might *lawfully continue to ſit*, after the *Parliament* was *Diſſolved*: The *Arch-Biſhop* beſought His *Majeſty* that, for their better Aſſurance, his learned *Council*, and ſome Other *Perſons* of *Honour*, well acquainted with the *Laws* of the *Realm*, might deliver their Judgment upon it. This His *Majeſty* Graciouſly Approved, and the Queſtion was accordingly put to Them. They anſwer'd, as followeth, under their Hands: "*The* Convocation *being called by the* King's Writ, "*under the Great Seal*, *doth continue*, "*untill it be* Diſſolved *by* Writ, *or* Commiſſion *under the Great Seal.* Hiſt. of A. B. *Laud*, pag. 80.

And accordingly we know, that not only, upon their *Diſſolution*, but for Every *Prorogation* that is made of it, there is a *Writ* ſent by the *King* to the *Arch-Biſhop*; and They cannot break up when they pleaſe; but muſt continue to Sit, as long as the *King* ſhall think fit to Require Them ſo to do.

Such Authority has His *Majeſty* over their *Aſſemblies*: nor has He any leſs over their *Acts*. It is, I think, agreed on §. 20.

on all hands, that no *Acts of Convocation* are of any force, untill they are Confirm'd by the *Royal Authority*. And that is all I am now concern'd to determine. *How far*, or, *What persons*, they will oblige, when Confirm'd by the *King*, without the Concurrence of the *Parliament*, is another Queſtion; in which I am not, at preſent, concern'd to Engage.

But tho' of this therefore, in General, there be no doubt; yet I cannot tell whether ſome Men may be willing to allow the *King all* that *Authority*, which, I have before ſhew'd, Other *Princes* have claim'd, and which I ſee no Reaſon why our Own *Kings* ſhould not Enjoy.

It is expreſsly provided by the 25th. of *Hen.* 8th, That the *Convocation* ſhall not only not preſume to *make* any *Canons*, without the *King's permiſſion*; but that having made Them, "*They ſhall* "*not preſume to* promulge *or* execute "*any ſuch* Canons, Conſtitutions, *or* "Ordinances, Provincial, *or* Synodal, "*unleſs the ſame Clergy may have the* "*King's moſt* Royal Aſſent *and* Licence, "*to* promulge *and* execute *the ſame*. And even then it is farther Provided by

by the ſame *Act*, That *No Canons, Conſtitutions, or Ordinances, ſhall be made, or put in execution, within this Realm, by Authority of the Convocation of the Clergy, which ſhall be Contrariant, or Repugnant, to the King's Prerogative-Royal; or to the Cuſtoms, Laws, or Statutes of this Realm.* And from whence, as they are naturally deduced, ſo were theſe (two) Points deliver'd by the Judges before the Committee of the *Lords*, as the *Law*, with reference to this Matter; 12 Report. Trin. 8. Jac. 1. pag. 72.

" 1. That when, upon Conference, the " *Convocation* has concluded any *Canons*, " yet they cannot *execute* any of their " *Canons*, without the *Royal Aſſent*. And, " 2. That they cannot execute Any, af- " ter *Royal Aſſent*, but with theſe *Four* " Limitations:

" 1ſt. That they be not againſt the " *Prerogative* of the *King*.

" 2dly. Nor againſt the *Common-* " *Law*.

" 3dly. Nor againſt any *Statute-* " *Law*.

" 4thly. Nor againſt any *Cuſtom* of " the *Realm*.

" And

" And this the learned *Reporter* tells
" us was but an Affirmance of what
" was the Law, before the ſaid *Statutes*;
" as appears by the 19 *Ed.* 3. Title,
" *Quare non Admiſit*, 7. Where it is held,
" That if a *Canon-Law* be againſt the
" *Law* of the *Land*, the Biſhop ought to
" *Obey* the *Commandment* of the *King*,
" according to the *Law* of the *Land*.

§. 21. Now theſe two Things being ſuppoſed, and in which the *Law*, at the preſent, cannot be doubted to be very clear; That no *Acts* of *Convocation* can be *put in Execution*, or be *promulged*, in Order to a Publick Obſervance, without the *King's Licence*: And that the *King's Licence* cannot give the *Convocation* any *Authority*, to *promulge* or *execute* any *Canons*, but what are Agreeable to the *Laws*, and *Cuſtoms*, of the *Realm*; it muſt of Neceſſity follow;

[1ſt.] That the *King* has not only a *Right* to Review the *Acts* of Every ſuch *Convocation*; but ought moreover to ſubmit Them to the Examination of his Learned *Council* in the *Law*; That ſo he may the more ſecurely be able to judge, Whether they be Conſiſtent, with the *Laws* of his *Realm*, and (by Conſequence)

quence) capable of receiving any Enforcement from Him: Foraſmuch as it would be, not only too *Raſh*, and *Unſeemly*, but even a *Vain Thing*, for the *King* to *expoſe* his *Prerogative*; by undertaking to give *Authority* to that, which, by being contrary to the *Laws* already *Eſtabliſh'd*, has ſuch a *natural defect* in its *Original Conſtitution*, as will not ſuffer it to be Capable of Any.

[2dly.] That notwithſtanding the *Reſolution* of the *Clergy* in their *Convocation*, yet ſtill the *King* is to remain the laſt Judge, not only of the *Lawfulneſs*, but of the *Expediency* too, of their *Conſtitutions*: and has Authority either to *Ratifie*, or *Reject* Them, as He, with the *Advice* of his *Council*, ſhall think Them either *Uſefull*, or *Otherwiſe*, to the *Church*.

When His *Majeſty* gave Liberty to our *laſt Convocation*, to conſider of the ſeveral Points which, in his *Commiſſion*, he propoſed to Them; and permitted Them to draw into *Forms*, *Rules*, *Orders*, *Ordinances*, *Conſtitutions*, *and Canons*, *ſuch Matters as to Them ſhould ſeem Neceſſary*, *and Expedient*, *for the Purpoſes which He had before propoſed to Them*; *and the ſame being ſet down in Writing*, *from time*

time to time to Exhibit and Deliver, or to Cauſe to be Exhibited, and Delivered, to Him: He thus goes on to declare what was to be done, after ſuch their *Reſolutions* ſhould be delivered in by Them; — *To the End that We, as Occaſion ſhall Require, may thereupon have the* Advice *of our* Parliament; *and that ſuch, and ſo many, of the ſaid Canons, Orders, Ordinances and Conſtitutions, Matters, Cauſes, and Things, as ſhall be thought Requiſite and Convenient, by our ſaid* Parliament, *may be preſented to us in due Form, for Our* Royal Aſſent, if upon Mature Conſideration thereof *We ſhall* think fit *to* Enact *the ſame.* And from whence it appears to have been His *Majeſty's* Intention, had that *Convocation* proceeded to any Reſolutions, to have ſubmitted the Examination of their *Acts* not only to his *Parliament*; but, that being done, to have Reſerved the final Judgment of Them to his Own Conſideration: And we cannot doubt but that it was upon the beſt Advice of his Learned *Council* in the *Law*, that He ſo Intended.

§. 22. But more full and expreſs to this purpoſe is the *Commiſſion* of *King Charles* the

the *Firſt* to the *Convocation* of 1640, before mentioned. Wherein having granted the ſame Liberty, we here meet with, to his Clergy; *To ſet down in Writing, and to Exhibit, or Cauſe to be Exhibited to Him, All and Every the ſaid Canons, Orders, Ordinances, and Conſtitutions, Matters, Cauſes, and Things, to be by Them from time to time, Conferr'd, Treated, Debated, Conſider'd, Conſulted and Agreed upon:* He adds; *To the end that We, upon* mature Conſideration by Us to be taken *thereupon, may Allow, Approve, Confirm, and Ratifie; or Otherwiſe Diſallow, Annihilate, and Make Void,* ſuch, *and* ſo many *of the ſaid Canons, Orders, Ordinances, and Conſtitutions, Matters, Cauſes, and Things, or* Any of Them; *ſo to be by force of Theſe Preſents Conſider'd, Conſulted, and Agreed upon, as* We *ſhall think Fit, Requiſite, and Convenient.*

But this is not yet all; In the cloſe of his Commiſſion he again Reſerves to Himſelf the ſame Power; in theſe Remarkable Words: *Provided always, and our Expreſs Will, Pleaſure, and Commandment is, That the ſaid Canons, Orders, Ordinances, and Conſtitutions, Matters, Cauſes, and Things, or* Any of Them,

ſo to be, by force of Theſe Preſents, Conſider'd, Conſulted, or Agreed upon, ſhall not be of Any Force, Effect, or Validity in the Law, but only ſuch, *and* ſo many *of Them, and* after ſuch time, *as* We *by our Letters Patent under our Great Seal of* England *ſhall Allow, Approve, and Confirm the ſame.*

Theſe are the Limitations under which that *Convocation* Acted; and from which theſe (three) Concluſions will Unavoidably follow.

1ſt. That the *King*, by granting the *Convocation* licenſe to conſider, and draw up any *Canons, Orders*, or *Conſtitutions*; or to *determine* any *Matters* or *Cauſes*; do's not give them any *final, deciſive Power*, of Concluding thoſe affairs: but Empowers them only to *deliver* their *Judgment* to Him, which He may either *Approve*, or *Reject*, as He ſhall afterwards ſee Cauſe to do.

2dly. That in determining concerning their *Reſolutions*, He is not obliged either to *Approve*, and *Confirm*; or elſe to *Reject*, and *Annihilate* ALL that they have done; but may judge diſtinctly of Every *particular Point*, or *Matter*, debated by Them; and ſeverally paſs his judgment upon Them:

May

May give *Force* and *Authority*, to *ſome things*, and at the ſame time *make Void*, and *diſallow* of *Others*.

And this, 3dly. Not only upon his *Own private judgment*, or upon the Advice of any ſelect perſons of his *Clergy*, (tho' it be a matter *Eccleſiaſtical:*) but with the *advice* of his *Council*, who, by his Command, are alſo Empowred to judge of what the *Convocation* has done, and whoſe Opinion, if He approves of it, He may preferr to that of his *Clergy*.

But we will go on with the Hiſtory of this *Convocation*; and ſee how theſe ſeveral Concluſions may be yet farther clear'd and confirm'd by it.

When, by Vertue of this *Commiſſion*, the *Convocation* had drawn up ſuch Canons, and agreed upon ſuch Orders, as to them ſeem'd moſt proper, to anſwer the Ends propoſed by the *King* to Them; We are told by His *Majeſty*, in His *Declaration* of *June* 30th. following, that, according to His direction, They had Offered, and Preſented the ſame to Him, deſiring Him to give His *Royal Aſſent* to what They had done.

Now as hereby they plainly acknowledged His *Majeſty* to have all that *Authority*, as to this matter, which, in His *Commiſſion*, he had pretended to; ſo we find the *King* ſtill proceeded, according to the ſame meaſures he had firſt laid down, to the *Ratification* of what they preſented to Him. For thus the *Declaration* goes on: "We, having di-
" ligently, with great Content and
" Comfort, Read and Conſider'd, *all the*
" *ſaid Orders, Ordinances, and Conſtitu-*
" *tions, agreed upon, as is before ex-*
" *preſs'd: And finding the ſame ſuch,*
" *as* We are perſuaded *will be very* pro-
" fitable, *not only to Our* Clergy, *but to*
" *the* whole Church *of this Our King-*
" *dom; and to All the true Members of*
" *it (if they be well Obſerved:)* Have
" therefore *for Us, our Heirs, and law-*
" *full Succeſſors, of our* ſpecial Grace,
" certain Knowledge, *and* meer Mo-
" tion, *given, and by theſe Preſents*
" *do give Our* Royal Aſſent, *accor-*
" *ding to the* Form *of the ſaid* Sta-
" tute, *or* Act *of* Parliament *afore-*
25 H. 8. " *ſaid; to* All *and* Every *of the ſaid*
" *Canons*, &c.

But

But becauſe in the Beginning of this Declaration, the *King* alledges the Example of His *Royal Father* for what He did, whoſe Pattern he propoſed to follow in this Particular; I cannot but obſerve that He did ſtick ſo cloſely to it, as to uſe the very *ſame Form*; (almoſt the very *ſame Words*;) in confirming theſe *Canons* of 1640; that the Other had done, in Ratifying of thoſe of 1603. And from whence we may the more undoubtedly conclude, That as the Conſequences before drawn from the Tenour of theſe publick Inſtruments, are, in point of *Reaſon*, plain and unavoidable; ſo is their Authority, in point of *Law*, Certain, and Indiſputable: and that our *Kings* do not only *in fact*, Claim, and Exerciſe ſuch a *Power*, as we have now ſeen, over their *Convocations*; but have alſo an apparent *Right* to the *Exerciſe* of it. §. 23.

Whether our *Kings* may not only Confirm, *ſuch*, and *ſo many*, of the *Canons*, &c. of their *Convocations*, as they ſhall judge Expedient; and *Refuſe*, and *Reject* the Reſt; but may alſo, by their *ſupreme Authority* in *Eccleſiaſtical Mat-* §. 24.

ters, *Correct*, and *Amend* thoſe which they do allow of, I ſhall not undertake to ſay. But ſo we are told *King Henry* the Eighth did, and that in a Caſe of the ſtricteſt nature; in framing the very *Articles* of *Religion*, which were afterwards publiſh'd by his Authority, *Anno* 1536. Thus much I believe, may warrantably be aſſerted; That as the *King* has Power, without a *Convocation*, to *make*, and *publiſh* ſuch *Injunctions* as he ſhall think the *Neceſſities* of the *Church* to Require, and to *Command* the *Obſervance* of Them; ſo may He, with the *Advice* and *Conſent* of His *Parliament*, much more, not only make what *Eccleſiaſtical Laws* He ſhall think fitting, for the *Diſcipline* of the *Church*; but make ſuch uſe of the *Convocation*, and the *Reſolutions* agreed to in it, in Order thereunto, as He ſhall think fit: And (as I have ſhewn the *French King*'s heretofore to have done;) may not only *confirm*, or *diſallow*; but may ſometimes even *alter*, and *correct*, what is done by Them, according to His Own liking.

Bp. *Burnet*: Hiſt. Ref. p. 217.

And now that I have mention'd this *Convocation* of *King Henry the Eighth*; I will make a Reflection or two upon that

An. 1536.

that *King*'s dealing with that Aſſembly; and ſo conclude theſe Remarks.

It would be needleſs for me to obſerve, after the account I have already given of the *Act* which was Paſs'd but a few years before, by the ſame *King*, to that purpoſe; that this *Convocation* was call'd by his *Writ*. I will rather take notice, that the *Articles* of *Religion* ſet forth by them, were not only corrected by that *Prince*, after they had been *framed* by the *Convocation*; but were drawn up by Them, according to the *Method*, and *Directions* which He gave to them for that purpoſe. So his *Declaration*, to all his *loving Subjects*, in *Confirmation* of theſe *Articles*, informs Us. " And *for becauſe we would the ſaid* " Articles, *and Every of Them, ſhould be* " *taken, and underſtanden of you, after* " *ſuch Sort, Order, and Degree, as apper-* " *taineth accordingly*; We *have* Cauſed, " *by the* Aſſent, *and* Agreement *of our* " Biſhops, *and Other* learned Men, *the* " *ſaid* Articles *to be divided into* Two " ſorts; *whereof the* One part *contain-* " *eth ſuch Things as be Commanded ex-* " *preſsly by God, and be Neceſſary to Sal-* " *vation*; *and the* Other *containeth ſuch* " *Things, as have been of a long continu-* " *ance*, See *Fuller*'s Ch. Hiſt. pag. 214. An. 1536.

" *ance, for a decent Order,* &c.—*tho' they*
" *be not expreſsly commanded of God, nor*
" *neceſſary to our Salvation.*

But that which I would principally obſerve in this Declaration, is, Upon what *Grounds*, and with what *Examination*, the *King* gave his *Aſſent* to thoſe *Articles*. I have before ſaid, and, from the words now Quoted, it ſufficiently appears; that the *Articles* here referr'd to did, at leaſt in one great part of Them, relate to *Doctrines* of *Faith*; and that in the moſt neceſſary Points of it. And yet ſee what Liberty that *King* took, in *judging*, as well as *correcting*, of what they had done. He was ſpeaking of the deſign he had in calling of that *Convocation*; and from thence proceeds, in theſe Words, to declare his ſenſe of what the *Clergy* had done in it. " *Where after long and ma-*
" *ture Deliberation, had of and upon the*
" *Premiſes, finally They have Concluded,*
" *and Agreed upon, the moſt* ſpecial Points
" *and* Articles; *as well ſuch as be* Com-
" manded of God, *and are* Neceſſary to
" our Salvation; *as alſo divers* Other
" matters *touching the* Honeſt Ceremo-
" nies, *and* Good, *and* Politick Orders, *as*
" *is aforeſaid.*—*Which* their Determina-
" tion, Debatement, *and* Agreement, *for-*
" *ſomuch*

Fuller, ib.

" *ſomuch as* WE THINK *to have pro-*
" *ceeded of a Good, Right, and true Judg-*
" *ment, and to be Agreeable to the Laws,*
" *and Ordinances of God; and much profi-*
" *table for the ſtabliſhment of that Chari-*
" *table Concord, and Unity, in our* Church
" *of* England, *which we moſt deſire;* We
" have cauſed the ſame to be Publiſh'd;
" *Willing, Requiring, and Commanding you*
" *to Accept, Repute, and Take them ac-*
" *cordingly.*

Such a Judgment did this *Prince* aſſume to himſelf, over thoſe *Acts* of his *Clergy*, which the moſt properly fall under an *Eccleſiaſtical Determination!* And ſo little have our *Princes* thought Themſelves obliged either to Receive Themſelves, or to Impoſe upon Others, any of their *Orders*, or *Deciſions*; but as they were finally perſuaded that what they had done proceeded from a *ſound Judgment*, and would be for the *Benefit* of their *Church* and *Kingdom* to be *Obſerved.*

§. 25. And now from what I have before aſſerted, and I hope ſufficiently proved, to be the *Rights* of all *Chriſtian Princes* in General; and to be not only not contradicted, but rather to be expreſsly declared by our *Own Laws* and *Cuſtoms*, to be the

the *Prerogative* of our *Own Kings* in this Particular; It will be no hard matter to give a Clear and Positive Answer to the first *General Question* proposed to be Resolved, in all the Parts of it.

For, first: Whereas it is demanded, *Whether there be any* Law, *that* Commands, *or* Permits, *the* Sitting, *and* Acting *of the* Convocation, *besides the* Absolute, free Pleasure *of the* Prince? I Reply, That if by *Sitting* be meant their being Summon'd at such times as the *Parliament* is Assembled, there is a Continued, Immemorial *Custom*, which do's determine the *Prince* to Summon a Convocation at such Seasons, and leaves it not any longer to his *free*, and *absolute Will*, Whether he will Summon it, or no? When this *Custom* first began, or How long it has become the setled, and constant Method with us, to have a *Convocation* Call'd at the same time that the *Parliament* meets, it matters not to our present Purpose to Enquire. Sure we are, that this has been the *Custom* ever since the 25th. of *Henry* the Eighth: And that is enough to shew that it ought not Eisily to be neglected. And therefore, tho' I know no *Positive Law* that do's determine the *King's Absolute*,

ſolute and *free Will*, as to this matter; yet I humbly conceive that ſo ancient, and ſetled a *Cuſtom* ought to be held to; and our *Princes* accordingly ſtill order the *one* to be *ſummon'd*, as often as the *other* is *called*.

But now, ſecondly, If by *ſitting* be meant (as in the preſent queſtion I ſuppoſe it is) their *meeting* to *do Buſineſs*; and being allow'd to *come together* for *that purpoſe*: Then I reply, that for *ſuch* their *ſitting*, I know no *Law* beſides the *abſolute* and *free power* of the *Prince*. *Cuſtom*, we are ſure is as much *againſt this*, as it has been *for* the *other*; and any *Statute* or *poſitive Law* for it, has not, that I know of, been pretended to.

Indeed whilſt the *Clergy* were wont to *aſſeſs* themſelves, and their *ſitting*, upon that account, was neceſſary for the ſupport of the Government; they were not only *ſummon'd* to *meet*, but were wont *actually* to *aſſemble*, and *ſit*, ſo long as it was requiſite for them to do for this purpoſe. But that being done, they were for the moſt part forthwith *Adjourned*, and met no more, till the *King* had ſome new occaſion for their aſſiſtance.

And

And that I may not be thought to ſpeak this at all adventures, I will offer an inſtance or two of it. The *Convocation* which met the firſt of *King James* the Firſt: was by *Prorogations* continued from time to time, for ſeven years together. Yet, except it were in his *firſt year*, we do not hear of any great buſineſs that was done by them, more than that of granting *Subſidies*, which I have mention'd.

In *King Charles* the Firſt's time, there were but few *Parliaments*, and therefore we are not to look for *Convocations* in that. When his Son, *King Charles* the Second return'd; the famous *Convocation* of 1660 met, to remedy thoſe diſorders which the *Civil Wars* had occaſion'd. In order whereunto it was neceſſary for them at the firſt to ſit, and ſettle the Affairs of the *Church*: but that being done, they were by the *King's Writ* prorogued eighteen ſeveral times ſucceſſively; and it does not appear by the *Journal* of it, which I have ſeen, that any thing material was afterwards done by it.

And as their *ſitting*, ſo thirdly, I affirm that their *acting* too does *depend* upon the *Will* of the *Prince*. They cannot

not enter upon any buſineſs without his *ſpecial Commiſſion* for it: And whether he will grant them ſuch a *Commiſſion* or no, *depends entirely* upon his *own Will.*

But when I ſay, that the *fitting* and *acting* of the *Convocation*, does depend upon the *abſolute* and *free Will* of the *Prince*; (and which *terms* I make uſe of, only becauſe they are preſcribed to me by one, whom at preſent I am obliged to follow:) I muſt obſerve, that by his *abſolute* and *free will*, I underſtand a *Will* not determined by any *humane Law*, to *act* otherwiſe than according to the *Dictates* of a Man's *own Reaſon*, and upon the *laſt Reſult* of his *own Judgment*, he would do. For otherwiſe there are *Laws*, which in this, as in all other caſes of the like Nature, determine the moſt *abſolute Sovereigns* in the World: and we do not deny *our King*, as well as all other *Princes*, to be ſubject to them. Letter. p. 1.

The *Law* of *Reaſon*, is a *Law* by which every *wiſe Man does*, and *every Man*, as ſuch, is *obliged* to *act*.

The poſitive *Law* of God, and the *common Principles* of *Right* and *Wrong*, are another *Law*, by which all *Chriſtians* (of what *Rank* or *Authority* ſoever) both

both out of *duty* to *God*, and with regard to their *own Conſciences*, are required to attend.

And laſtly, The *publick Good* and *Welfare* of the *Community*, is another *Law*, to which all *Princes*, even thoſe who, in other reſpects, are the moſt abſolute; are oblig'd to look: and with the obſervance of which they cannot *diſpence*, tho' no *human Conſtraint* lies upon them, to force them thereunto, or to *puniſh* them if they do not.

By all theſe *Laws*, *Princes* are obliged: And the *Will* of the *Prince* regulated by theſe *Laws*, but not under the direction of any more *particular Obligations*; is that *Will* on which I affirm the *ſitting* and *acting* of the *Convocation* to depend. The *Government* has intruſted him with the *Power* of giving them leave to *ſit* and *act* when he pleaſes, and when he pleaſes, he may deny them to do either. But ſtill it was ſuppoſed, when that *truſt* was committed to him, that he ſhould uſe it with *Prudence* and *Moderation*; and as he ſhould from time to time be perſwaded, would be moſt for the *publick Good*, both of the *Church* and *State*.

And

And therefore, fourthly, Notwithſtanding any thing that has hitherto been ſaid, I ſhall not doubt to affirm; that whenever the *King* is in his *own Conſcience* convinced, that for the *Convocation* to *ſit* and *act*, would be for the *Glory* of *God*, the *Benefit* of the *Church*, or otherwiſe for the *publick Good* and *Welfare* of his *Realm*; he is obliged both by the *Law* of *Reaſon*, as a *Man*; by his *duty* to *God*, as a *Chriſtian*; and by his *duty* to his *People*, as a *Ruler* ſet over them for their *Good*; to *permit*, or rather to *command* his *Clergy* to *meet* in *Convocation*, and tranſact what is fit, for any or all theſe ends, to be done by them.

As on the other hand, whenſoever he is clearly and evidently convinced, that for them thus to come together, would be *needleſs*, or *hurtfull*, to theſe *ends*; it is then his *duty* to reſtrain them from *ſitting*; and that tho' he ſhould be never ſo importunately deſired by ſome, that they may ſit; or rail'd at by others, for not allowing them ſo to do.

Theſe I take to be the plain *Conſequences* of the foregoing Diſcourſe: And by them, I ſuppoſe, a clear and full

Reſo-

Reſolution is given, to the firſt *general Queſtion*, viz.

" Whether there be any *Law* that " *commands* or *permits*, the *fitting* and " *acting* of the *Convocation*, beſides the " *abſolute* and *free Pleaſure* of the *Prince*? " And if there be, *What* that *Law* is? " And *how far* the *Prince* is *obliged* by " it?

I might now proceed upon this *foundation*, without any more ado, to examine what has been offer'd by our late *Author* to the contrary, and ſo paſs on to the other part of my Diſcourſe. But becauſe it may be a matter of ſome Satisfaction, as well as uſe, to thoſe whoſe Enquiries have not lain this way, to know what has been the *State* of our *Convocations*, ever ſince we have any accounts, that we can rely upon, concerning them: I will therefore take leave to digreſs ſo far from my preſent buſineſs, as may ſuffice to ſhew this, in a *ſhort Hiſtory* of our *Convocations*, from the firſt *Converſion* of the *Saxons* to *Chriſtianity*, down to our preſent Times.

CHAP.

CHAP. IV.

In which the State *of the* Convocation *is Hiſtorically deduced, from the* firſt Converſion *of the* Saxons, *to our* Own Days.

SO great is the *Uncertainty* to which all *humane Conſtitutions* are expoſed, that tho' I have before ſufficiently ſhewn what the *Nature* of our *Convocation* at preſent is, and what *Authority* our *Kings* have over it; yet we can by no means from thence conclude, that this was always the *caſe* of it; or that the *Act* of the 25th of *King Henry* the VIII. did only reſtore our *Kings* to their *ancient Rights* over their *Clergy*; and not rather give them a *greater Power* than ever they before had; or than the *Parliament* ought to have put into their hands. §. 1.

To clear this matter, and withal to ſhew how *Eccleſiaſtical Affairs* have heretofore been tranſacted in this *Realm*; I ſhall here take a ſhort View of the *State* of our *Convocation* in times paſt,

and of the method that was wont to be obſerved in making of *Canonical Orders* and *Conſtitutions*; from the Converſion of the *Saxons*, to the ſettlement of it in that *Form* under which it continues to this very day.

And the *Method* I ſhall take for the better clearing of this matter, ſhall be this:

I. I will conſider, how the *Affairs* of the *Church* were managed, from the firſt *Converſion* of the *Saxons*, to the time of the *Norman Conqueſt*.

II. From the coming in of K. *William* the *Conquerour*, to the 23d. of *Edward* the Firſt: About which time both the *Parliament*, and the *Convocation*, ſeem to have been fully ſetled upon the ſame foot, on which they have *both* continued to ſtand ever ſince.

III. From the 23d. of *Edward* the Firſt, to the 25th. of *Henry* the Eighth: When the *Parliament* and *Clergy*, reſtored the *Crown* to thoſe *Rights*, which the *Uſurpations* of the *Court* of *Rome* had before, in great Meaſure, deprived it of. And,

IV. From

IV. From the 25th. of *Henry* the Eighth, to our own times.

I *PERIOD.*

And Firſt: Let us enquire, how the *Affairs* of the *Church* were *tranſacted*, from the firſt *Converſion* of the *Saxons*, to the time of the *Norman Conqueſt*. §. 2.

It is evident to any one who has ever conſider'd, by what *Authority*, and after what *Manner*, our *Clergy* are called together in *Convocation*; that when thoſe *Writs* were framed which we ſtill continue to make uſe of, they referr'd to a *double end*, and it was intended the *Clergy* ſhould meet together under a *double Capacity*, by vertue of them.

When the *King* iſſues out his *Parliamentary Writs*, and ſummons the *Biſhops* to come to that *great Council*; every *Biſhop* is thereby, diſtinctly, required, "To give notice to the *Dean* "and *Chapter* of his *Cathedral Church*, "and to the *Arch-deacons*, and *Clergy*, "of his *Dioceſs*, of the *King*'s Pleaſure; "to the end that they the ſaid *Dean* and "*Arch-deacon*, in their *proper perſons*; "their *See the Writ it ſelf in the Appendix.*

" their *Chapter* by *one*; and the *Clergy* " of every *Arch-deaconry*, by *two Pro-* " *ctors*, lawfully choſen, and empow- " ered, may, together with the *Biſhop*, " attend upon the *King* in *Parliament*; " and there conſent to ſuch things as " ſhall be agreed upon, for the good " of the *Church* or State.

Now this *Clauſe*, as it equally requires the *inferiour Clergy*, as the reſt of the *Writ* does the *Biſhop* himſelf to come to *Parliament*; ſo has the neceſſity of it been accounted ſo great, that ſome have thought this to be the reaſon, why if the *See* be *Vacant*, the *Writ* ſhall, in ſuch a caſe, be directed to the *Guardians* of the *Spiritualties*, *viz.* That by this means the *Proxies* of the *Clergy* may, by them, be *præmoniſhed*, to come to the *Parliament*, according to their *duty*, and as of *ancient Cuſtom* they have been required to do.

Elſyng. *Meth. of Parliaments*, p. 42. Cuſtodi ſpiritualitatis, 7 Ed. 3.

It muſt therefore be allow'd, and accordingly it is indeed confeſſed by thoſe, who have been the beſt acquainted with the *Nature* of our *Conſtitution*, that the *Clergy* were anciently a *part* of the *Parliament*, and that the *Dignitaries*, and *Proxies* of the *Lower Order*, did, together with the *Spiritual Lords*,

Lords, make up the *third Eſtate* in it.

But now together with this *Parliamentary Writ*, ſent out to every *Biſhop* in particular: There is another *general Order* directed only to the *Archbiſhop* of each *Province*, to call together the *whole Clergy* of their ſeveral *Provinces*, to another *place*, and (uſually) upon another *day*. The *Copy* of this *Writ* the *Archbiſhop* of *Canterbury* ſends to the *Biſhop* of *London*, as *Dean* of the *Epiſcopal College*; and requires him to ſummon the *Clergy* of his *Province*, and to attend himſelf, with the *Clergy* of his *own Dioceſs*, according to the *King's Command*. And this is more properly a *Provincial Synod*; tho', at preſent, it conſiſts of the *ſame Perſons*; and was oftentimes, heretofore, employed to the ſame *ends*, that the *Clergy* who came to the *Parliament* were: and conſulted at once both of the *State* of the *Church*, and how to ſupply the *Prince's* Wants. §. 3. *See the form of the* Convocation Writ *in the Appendix.*

And as this is the caſe of the *Clergy* at the preſent; ſo if we look back to thoſe *firſt Times*, we are now particularly to conſider, we ſhall find the foundation of this difference laid in them; and clearly ſee how it came to be derived down from

thence to the Times that follow'd after.

§. 4. It has ever been the *Wiſdom*, as well as *Piety* of *Chriſtian Princes*, to pay a juſt deference both to the Judgment and Integrity of their *Church-men:* And to think none more proper to *adviſe* with, even in their *civil Concerns*; and oftentimes, to intruſt too with the management of them; than thoſe whoſe *Profeſſion* at once diſpoſes them both to a greater *extent* of *Knowledge*, and to a quicker *ſenſe* of their *duty*, than is ordinarily to be met with in other Men. And I believe there is no Nation, where the *Goſpel* of *Chriſt* has prevailed, in which *Eccleſiaſtical Perſons* have not been, by a kind of *general Conſent*, admitted to the Management of *civil Affairs*; and been adviſed with as well in matters relating to the *State*, as in thoſe which concern the *Church*.

Now as this firſt brought them into the *Great Councils* of *Princes*, ſo was it the ſame opinion, of their Ability and Integrity, which firſt gave original to that part they now have, and ever did enjoy, in the *Parliaments* of this *Nation*. For as our *Princes*, from the beginning, were wont to do all things of greater Moment

Moment with the *Advice* of their *great Councils:* ſo, in all thoſe *Councils*, the *Clergy* ſtill had the chiefeſt place, as in the progreſs of theſe remarks I ſhall have occaſion very plainly to ſhew.

Nor were the *Laity* any loſers at all by this: For the *Biſhops* and great *Clergy-men*, being, by theſe means, preſent at their *Councils*; and the *King* by his very *Office*, having an *original Right* to deliberate concerning the Affairs of the *Church*, as well as of the *State*; it came to paſs, that theſe *great Councils*, by degrees, tranſacted both: They deliberated as well of *Eccleſiaſtical*, as of *civil Affairs*; and the cauſes that concerned the *Church* were no leſs determined by the Judgment and Authority of the *Laity*; than the *civil* ones were, by the *Advice* of the *Clergy*.

But becauſe it may be of ſome advantage, to the right underſtanding of this whole *ſubject*, to have a clear knowledge of the method in which *Eccleſiaſtical Affairs* were wont to be tranſacted, in theſe moſt remote times, upon which I am now entring; and that the underſtanding of theſe, will very much depend upon a right apprehenſion of the nature of thoſe *great Councils*, I ſhall

have ſo much occaſion to inſiſt upon, in this *Period:* I will endeavour, in the firſt place, to give the moſt diſtinct account I can of them; and that from *Foreign Hiſtorians*, as well as from thoſe of our *Own Country*.

S. 5. And here were the *manner of holding Parliaments* as truly ancient, as its *Preface pretends*, and as *ſome affirm* that it is; we ſhould be able to go on the more eaſily in our Account of theſe *Councils*. But becauſe there are many things which make me juſtly ſuſpect the *Antiquity* of that piece; I muſt be forced to look out for ſome other Guides, of a *better Note*; and of whoſe Sincerity there can be no doubt.

Coke 4 Inſtit. p. 12.

That there was all along, in theſe days, a very near Affinity, between the *Polity* of *France*, and that of our own Country, in its *Eccleſiaſtical*, as well as in its *civil Eſtabliſhment*; might from many Inſtances evidently be made appear. Thoſe Northern Nations, who about 400 years after *Chriſt*, began to over-run the greater part of *Europe*, were very much alike in their Manners and Conſtitutions: And the Government, which, at the beginning, they ſetled in

in thoſe *Countries* in which they fix'd, tho' in ſome Circumſtances it might vary, yet in the main was the ſame too.

Now the *Parliaments* of *France* (for ſo in aftertimes the *great Councils* of the *Nation* were call'd by them, as well as with us) were firſt brought into a ſetled Order and Method, by *Pepin*, Brother to *Carloman*, about the year 744: in the very times we are now diſcourſing about. And the manner in which he did it was this. He call'd together his *Biſhops* and *great Lords*, to a *Council* at *Soiſſons*: and there with the advice of *both*, commanded the *ancient Canons* to be obſerved, and ſet out ſeveral *new Conſtitutions*, for the Government of the *Clergy*, as well as of the *Laity*. And to the end that the State of both might be kept in better order, they farther decreed, that from thenceforth ſuch a *Synod ſhould be held*, for the ſame purpoſe, *once every Year*. Capitul. Tom. I. p. 155, 160.

And thus this Affair ſtood for ſome time; till about eleven years after, being a little at leiſure from thoſe Wars which had almoſt continually exerciſed him, he began to put his *Kingdom* into a better Poſture. To which end, having again

Anno 755. in Synod. Vernenſ. vid. capit. Tom. I. p. 167, 170. again call'd together almoſt all the *Biſhops* of *France*, he reſolved to have two Meetings held every year; the firſt upon the *Kalends* of *March*, in the *preſence* of the *King*, and at ſuch place as he ſhould appoint: the other upon the *Kalends* of *October*, at *Soiſſons*, or at ſuch other place, as the *Biſhops*, at the former Meeting, ſhould agree.

§. 6. And here began a manifeſt difference to appear between the *Civil* and *Eccleſiaſtical Synods*. For at the former of theſe, there met not only the *Biſhops*, but the chief of the *Lay Lords* of the *Realm*. In that were *Laws* made both for the *Civil* and *Eccleſiaſtical State*; and being *framed* by the *Council*, were *examined*, and confirmed by the *King*. Whereas at the *latter* there appear'd only the *Biſhops* and *Clergy*; and theſe made no *new Conſtitutions*; but only conſulted together about the State of the *Church*; and, if need were, prepared matter for the next *State Meeting*; or elſe took care to order the *Reformation* of Mens *Manners*, according to the *Laws* already made.

Vid. Concil. Compend. An. 757.

Marca de concord. par. 2. lib. 2. cap. 24.

Such was the *Polity* which that King eſtabliſh'd for the Ordering both of *Civil*

vil and *Eccleſiaſtical* Affairs. But now this Settlement, begun by *Pepin*, was very much improved by *Charles* the *Great*. And becauſe of this, we have a very exact account given us by *Hincmarus*, out of the Writings of *Adalardus*, Abbot of *Corbey*, and a near Relation of *Charles* himſelf; it may not be amiſs to take a ſhort View of it.

Hincmar. Rhem. Epiſt. 3. cap. 29, &c.

§. 7. In the firſt place then He appointed *two Aſſemblies* to be held every Year; the One a *General Council*, of all the *Biſhops*, *Abbots*, and *Lords*, of the *Realm*: The Other more *ſelect*, conſiſting only of a certain number of the more *aged*, and *honourable* of *all theſe*; ſuch as the *Prince* ſhould think fit to *chuſe*; together with his *principal Miniſters of State*, whom he alſo call'd to it.

Capit. To. 1. pag. 195, 275. To. ij. pag. 239.

In the *General Council*, all the *publick Affairs*, for the following Year, were ſetled: In the *Other*, were handled ſuch incidental Matters, as not being foreſeen, could not, by Conſequence, be provided for, in that *Great Aſſembly*; and yet were of ſuch a Nature, that They ought not to be deferr'd, till that *Council* ſhould meet again. In *Both* theſe *Councils*, (tho' chiefly in the *General*

neral One) *Laws* were made both for the *Church*, and *Realm*. The *King* propoſed to them what He would have them debate upon; and having for three days conſulted together, they laid the Reſult of their Debates before Him; and his *Choice*, and *Approbation*, determined the Matter.

§. 8. But that which I would chiefly obſerve in theſe *Councils*, is this; That as the Cauſes which fell in to be handled by them were of a *different Kind*, ſo were they diſpatch'd by Them after a *different Manner*. If the Matter to be deliberated upon were *purely Spiritual*; in that Caſe, the *Biſhops*, and *Abbots*, went apart by Themſelves, and debated upon it. If it were *wholly Civil*, or *Military*, the *Lords* alone conſulted about it. If it were of a *mix'd Nature*, as relating to the *Government* or *Diſcipline* of the *Church*; then they *Both together* treated of it. But which ſoever it were, ſtill the *King* conſider'd of their *Reſolutions*; and determined all, as He ſaw fit.

From this difference both of the *Matters* debated in *theſe Aſſemblies*, and of the *Manner* of *deliberating* upon Them, the

the ſame Aſſembly is oftentimes called both a *Royal*, and *Synodical Council*. Thus *Sigebert* ſtyles the *Council* of *Trebur* under the Emperour *Conrade*, Anno 1031. And thus may many of our ancient *Councils* be diſtinguiſh'd. I ſhall mention only One, in which a *learned Antiquary* of our Own Country has made the ſame Remark, the famous *Synod* of *Ænham*: at which not only the *Biſhops*, and *Abbots*; but the *lay Nobility* were preſent. But yet the moſt part of what was done in it, related to the *Church*; and was concluded by the *Clergy alone*, who went apart from the *Other Lords*, for that purpoſe.

Spelman, Concil. To. I. pag. 525, 529.

§. 9. It were an eaſie matter to ſhew that the ſame method of deliberation continued to be obſerved, not only in our more Ancient *General Councils* of *this period*; but even after the Reduction of our *Parliament* to the *Form* in which it now is. But this would lead me too far away from thoſe *Times* I am now upon; And I ſhall have a more *proper Occaſion* hereafter to take notice of it. In the mean time, from what has been ſaid, it appears, that the Method of tranſacting publick Affairs in *France*, in thoſe days

days of which I am at preſent to diſcourſe, was briefly this:

1. They had, every Year, a *General Council* of the *Kingdom*, made up of the chief Men both in *Honour*, and *Employ*, whether *Civil*, or *Eccleſiaſtical:* and therein *Laws* were made, with the *Aſſent* of the *Prince*, both for the *Church* and *State*.

In *Matters, purely Spiritual*, ſuch as the *Articles* of *Chriſtian Faith*; the *Clergy* adviſed alone: and what was, upon their *Advice*, determined by the *Prince*, became a *Law* as to thoſe Matters.

In Matters of a *Mix'd Nature*, as in Regulating the *Diſcipline* of the *Church*; The *Great Lords* deliberated together with the *Biſhops*; And the *Prince* confirm'd, what by the *Common Advice*, and *Conſent* of *Both*, was Recommended to Him.

But becauſe it might ſo fall out, that ſome Affairs might ariſe, which neither could be foreſeen at thoſe *General Meetings*, nor might be deferr'd till their next *Aſſembling*; Therefore,

2. To prevent any Inconvenience that might happen by this means, there was another *Great Council* held every Year, made up of a *ſelect Number* of thoſe

thoſe who came to the *General Aſſembly*: and by them were ſuch Matters determined after the *ſame Manner*, and with the *Concurrence* of the ſame *Authority*, by which the Other proceeded.

§. 10. Such was the method of proceeding in theſe *Publick Affairs* abroad; and the ſame was, in Effect, the *Polity* of our Own *Country*, under the *Government* of our *Saxon Princes*. They had their *General Councils*, firſt, in which they Deliberated of all *Publick Matters*: And theſe *Councils* conſiſted of the *Archbiſhops*, *Biſhops*, and *Abbots*, of the *Clergy*; and of the *Wiſe-men*, *Great-men*, *Alder-men*, *Counts*; that is to ſay, of the chief of the *Laity*, indifferently call'd in thoſe Times, by any, or all theſe Names.

In theſe *Councils* they debated, both of *Civil*, and *Eccleſiaſtical Affairs*; and made *Laws*, with the *Prince's* Conſent, and *Concurrence*, for the *Ordering* of *Both*. And this they did, as far as I can judge, after the like manner that, we have ſeen, the *French* were wont to do: The *Biſhops* and *Clergy* adviſed apart, in Matters *purely Spiritual*; But the *Great-men* debated together with them

them in *Civil*, and *Mix'd Affairs*; and in which the intereſt of the *State* was concern'd, as well as that of the *Church*.

See his Pref. to them: *Lamb.* p. 45. Cum *Bed.* Thus *Athelſtan*, when he publiſh'd his *Eccleſiaſtical Laws*, tells us, that He did it with the *Counſel* of his *Biſhops:* But when he came to his *Other Conſtitutions*, we find, from their Subſcription, that

Ib pag. 53. his *Nobles*, as well as *Biſhops*, were Preſent; and that *Both* aſſiſted at the making of Them.

§. 11. Whether, beſides theſe *General Councils*, there were not, in thoſe Times, ſome more *particular* Ones with Us, as there were in *France*, I ſhall not undertake to ſay. That in proceſs of time there were, we are very ſure; and to which ſuch only of the *Biſhops* and *Great-men* were call'd, as the *Prince* thought fit to *Adviſe* with.

Indeed, as to any ſetled *times* of theſe *Councils* meeting, it do's not appear, that as yet there were any fix'd: tho' afterwards a *Cuſtom* began to be introduced, of holding theſe *Great Councils* Once every Year. But yet, within this *period*, Our *Princes* began very Solemnly to keep the *Three* Great *Feſtivals* of the *Year*, with their *Biſhops*, and *Lords*;

And

And by that means, in ſome ſort, held a *Council*, three times every Year, with Them.

It is true, our *ancient Laws* make mention of a *ſolemn Aſſembly* that was convened every Year upon the *firſt* of *May*; in which the *chief* both of the *Clergy* and *Laity*, met together. And this differ'd but little, from ſuch a *Council* as We are now ſpeaking of. But yet, it do's not appear, that in theſe Meetings any *great Affairs* of *State* were tranſacted, much leſs any *Laws* made: but rather the main buſineſs that was done in them, was ſolemnly to Renew their *Oath* of *Fidelity* to the *King*; and for the Maintenance of the *Laws* already made. §. 12. Vid. leg. Edv. Confeſſ. cap. xxxv. vid. Spelm. Gloſſar. Voc. Gemotum.

But tho' the Greateſt part of what concern'd the *Church*, was therefore tranſacted with us, as it was abroad, in theſe *State Councils*; yet it cannot be doubted but that, within this *Period*, there were held ſeveral *Eccleſiaſtical Convocations*, or *Synods*, properly ſo called. To theſe not only the *Archbiſhops*, and *Biſhops*, were admitted; but the *Abbots*, and *other Clergy*, were called: Inſomuch that §. 13.

in ſome of them we find *Prieſts*, *Deacons*, and *Monks*; and even *Abbeſſes* alſo, mention'd. And beſides theſe, not only the *Prince* was, for the moſt part, preſent; but often-times his *Nobility* together with Him. In theſe *Synods*, ſometimes the *Canonical Diſcipline* was inforced, and Matters of *Faith* eſtabliſh'd. But generally they met for Other purpoſes; and did little more than either confirm the *Eſtates*, or *Privileges*, of ſome *Religious Houſes*; or tranſact the like particular Affairs: And ſtill the General concerns of *Religion* were ſetled, either by the *Biſhops* and *Abbots* apart; or elſe, by them, together with the *Great Men*, in the *Common-Council*, or *Parliament* of the *Realm*.

And now having ſaid thus much to clear the way for a *Right Underſtanding* of the *Method* in which *Eccleſiaſtical Affairs* were wont to be tranſacted, in thoſe Times, in which *Chriſtianity* firſt began to be ſetled among Us, by our *Saxon Anceſtors*; I ſhall go on to take a ſhort View of the moſt conſiderable Aſſemblies, whether *Synods*, or *Councils*, that were held in this Country, before the Time of the *Norman Conqueſt*.

It

It was about the Year of *Chriſt* 596, that *Auſtin* the *Monk* having determined to undertake the Converſion of the *Saxons* in theſe Parts, with the Leave of *Pope Gregory*, Arrived here: And having with Good ſucceſs perſuaded *Ethelbert*, King of *Kent*, to become his Proſelyte, He from thenceforth began to have a very *Great Authority* with Him. §. 14. So the *Saxon Chron.*

We are told, by a *Monkiſh Hiſtorian*, that about the Year of our *Lord* 605, that King, being now fully confirm'd in the *Chriſtian Faith*, did with *Bertha* his *Queen*, and *Eadbald* his Son, and with *Auſtin* his *Biſhop*, and the *Great Lords* of his Land, ſolemnly keep his *Chriſtmas* at *Canterbury*. And there, in a *Common Council*, both of his *Clergy*, and *People*, He endow'd the *Monaſtery*, which *Auſtin* had Founded in that *City*; and granted ſeveral large Privileges and Immunities to it. Concil. Labb. To. V. pag. 1614.

I have before obſerved, that it was an Ancient Cuſtom of our *Kings*, to keep the *Three* Great *Feſtivals* of the Year, with an Extraordinary *State* and *Solemnity*. Their *Biſhops* and *Great Men* attended upon Them; and they appear'd in the higheſt Pomp of *Majeſty*, they could put

on, among Them: and took thoſe Occaſions to tranſact ſuch affairs, as they thought expedient for the *publick Welfare*. If there be any Credit to be given to this Relation, (for which I dare not anſwer;) then we muſt look upon this to have been ſuch a *Civil Council*: Sure we are, that in after-times many were held of the like Kind.

But tho' in theſe days the *affairs* of the *Church* were, for the moſt part, determined in ſuch Meetings; yet I have before ſaid, that ſome *Synods* they had which were properly *Eccleſiaſtical*; and thoſe I ſhall therefore think my ſelf concern'd, in the firſt place, to Conſider.

§. 15. Now among theſe, (not to mention the two *Conferences* of *Auſtin*, with the *Britiſh Biſhops*;) I know of none more ancient than that which was held before *King Oſwi* and his *Son*, at *Streanſhealch*, in the Monaſtery of *Hilda*; concerning the *time* of *Eaſter*, the *form* of *Tonſure*; and (as *Florence* of *Worceſter* adds) ſome other *Eccleſiaſtical Matters*. Whether *King Oſwi*, by his *Authority*, called this *Synod*, it do's not appear: this we know, that He not only *conſented* to the *meeting* of it, but alſo *ſate*, with his *Son*, in it, and

Ann 664. pag. 561.

and managed the *debates* of it. He propoſed the buſineſs for which they met; and, at laſt, finally Reſolved, what was to be held to, with Reference to the *Points* that had been debated. And tho' the Argument that determined him to embrace St. *Peter*'s Tradition, rather than St. *John*'s, (*viz.* that He kept the *door* in *Heaven*, and therefore He durſt not contradict him, leſt when he came thither the *Apoſtle* ſhould Refuſe him Entrance;) was but very mean, and ſuitable to the *Rudeneſs* and *Ignorance* of thoſe Times; yet we ſee what *Authority* our *Princes*, from the beginning, had, as to theſe matters; and how conſiderable a part they were allow'd in their *Synods*.

§. 16. But more eminent, as well as more exact, were the *Synods* held by *Theodore*, *Archbiſhop* of *Canterbury*: in the firſt of which, at *Herudford*, as the *Biſhops* of ſeveral *Provinces* were aſſembled, ſo did they Agree with *Theodore*, upon many uſefull *Conſtitutions*, for the *Government* of the *Church*.

Bed Hiſt. Eccl. lib. IV. cap. 5.

And as this *Synod* firſt ſetled the *Diſcipline* of the *Church*, in theſe Parts; ſo did that of *Heathfield*, which met about *ſeven years* after, eſtabliſh the *Faith* of

it. It admitted of the decisions of the *Five* first *General Councils*; and setled the *Catholick doctrine* of the *Church* against the several *Heresies* which had been condemn'd in those *Councils*.

In both these *Synods* it is expresly said that *Theodore* Presided; And so he did, in the next I am to take notice of, which was held at *Atwyford* Anno 685. In which, among other things, St. *Cuthbert* was chosen *Bishop* of *Lindisfarn*; and, upon *Easter-day*, was Consecrated by seven *Bishops*, who Attended upon the *King* at that *solemn Season*.

By whose *Authority* these *Councils* were call'd, it do's not sufficiently appear to Us: || but that in this last, *King Egfride* was present, we are expresly inform'd. * And the constant Custom of the *Princes* in those days, will not suffer us to doubt, but that it was by *their Direction* that their *Bishops* both *met*, and *acted* in Them.

|| Bed. Hist. Eccl. lib IV. c. 18. Monast. Angl. To. I. pag. 39. 46.

* Vid. Annot. Wheeloc. in Bed. l. c. Chron. Sax. 4°. ad Ann. 675. p. 43.

§. 17.

Spelm. Concil. To. I. p. 189, &c. Script. X. p. 2209. Chron. Saxon. ad Ann.

At the *Council* of *Cloveshoe*, Anno 742, not only *Æthelbald*, K. of the *Mercians*, Presided, but his *Princes*

Princes and *Officers* were preſent too. Yet this was properly an *Eccleſiaſtical Synod*, and the Matters tranſacted in it, all Related to the *Church*.

Nor is this ſo much to be wonder'd at, ſeeing in the *Legatine Synods*, held by *Gregory* and *Theophylact*, ſent hither by Pope *Adrian* the Firſt, for that purpoſe; Our *Kings* not only directed the *Aſſembling* of Them, but, together with their *Nobles*, ſate in Them: And to teſtify their Conſent to what was done, together with their *Lords*, as well as *Biſhops*, ſubſcribed to the *Acts* of Them. Spelm. Concil. To. 1. p. 293.

§. 18. And theſe are the chief of thoſe *Eccleſiaſtical Synods*, which were held in theſe Times. As for the many Others, whoſe *Acts* remain to Us, they are manifeſtly *Civil Conventions*, and moſt of them ſuch *Aſſemblies* of the *States*, as were afterwards call'd by the Name of *Parliaments*.

Among theſe, as none ought more to be conſider'd, ſo were none more plainly ſuch, than Thoſe in which our *Ancient Saxon Laws* were either drawn up, or publiſh'd: And a very conſiderable part of which relate, to the *Order* and *Diſcipline*, of the *Church*. See *Lambard*'s Leges Saxon. cum Bedâ fol.

Ib. pag. 1. Thus *Ina* made his *Laws* with the Conſent of his *Biſhops, and all his Al-*
Pag. 22. *dermen:* K. *Alfred* collected his, with the *advice* of all his *Wiſe-men*. K. *Edward*
Pag. 41. the Elder and *Guthrun*, review'd and enlarged Them, as aſſiſted by their *Wiſe-men*. And tho', in the Preamble to the *Laws* of K. *Æthelſtan*, we find mention only made of his *Archbiſhop* and *Biſhops*; becauſe they indeed only drew up thoſe *Laws*, which were more *properly Eccle-*
Pag. 53. *ſiaſtical:* yet, in the *Cloſe* of them, we are told, that all theſe *Conſtitutions* were publiſh'd in one of thoſe *Synods*, at which not only *Wulfhelm*, the *Archbiſhop*, but all his *Great* and *Wiſe-men* were preſent; that is, were publiſh'd in one of his *Great Councils*, by him.

Pag. 58. K. *Edmund* compiled his *Laws*, in the Aſſembly of his *Wiſe-men*, as well *Eccleſiaſticks*, as *Lay-men*. So did *Edgar*, and *Ethelred* afterwards. And, laſtly, *Canutus*, in the *Preface* to his *Laws*,
Pag. 62, 88. " not only tells us that they were made,
" with the *Advice* of his *Wiſe-men*, to
" the *Glory* of *God-Almighty*, the Orna-
" ment of his *Kingly Majeſty*, and the
" Good of the *Common-wealth:* But preciſely notes the time when he compiled

piled them; namely, That they were made at *Chriſtmas* in the *City* of *Wincheſter*; where he then kept that *Feaſt*, and his Nobles, according to the *ancient Cuſtom*, *attended* upon him, and ſate in *Council* with him.

To run thro' all the other *Councils* of the like nature, in which *Conſtitutions* have been made, and *Debates* held, concerning things relating to the *Church*; would engage me in a *needleſs*, as well as tedious Reſearch. §. 19.

I ſhall only mention a few of thoſe of *chiefeſt Note*; which, together with thoſe before ſpoken of, may ſuffice to give us a *right Underſtanding*, of the *Nature* and *Quality* of them.

At *Becanceld*, about the Year 694, *Withred*, *King* of *Kent*, held a *General Council*; and if the relation be true, it was indeed of an extraordinary Compoſition. There were preſent at it, not only the *Archbiſhop* of *Canterbury*, and *Biſhop* of *Rocheſter*, with the *Lords* and *others* of the *Laity*; but the *Abbots*, *Abbeſſes*, *Prieſts* and *Deacons*, of the *Clergy*. It was called by *Archbiſhop Brithwald* at the *Kings* Command: And not only the *King* and *Biſhops*, but all others of Spelm. concil. p. 189, 191. conf. p. 219.

of the *Clerical Order* ſubſcribed to it.

Spelm. ib. p. 194. At *Berghamſted*, the ſame *King*, about three Years after, held another *Council* with his *Biſhops* and *Military Men:* and by their common Conſent, made ſeveral *Conſtitutions*, to be added to the *Laws* and *Cuſtoms* of *Kent*.

Spelm. ib. p. 327. But more remarkable is the *Council* at which *Wulfred* preſided, under *Kenulph King* of the *Mercians*, *Anno* 816. At which, as at that of *Becanceld* before, not only a great number of *Biſhops* were preſent; but, together with the *King*, came alſo his *Princes*, *Dukes* and *Lords:* And all theſe were ſurrounded with the reſt of the Holy Orders; *Abbots*, *Prieſts* and *Deacons*; treating, with one accord, of what was *uſefull*, or *neceſſary*, for the *Church*.

§. 20. I inſiſt not upon the *Synods* of Spelm. ib. p. 332, 334. *Cloveſhoe*, aſſembled by *Beornulfe King* of the *Mercians*; *Anno* 822, 824: And both which were evidently *great Councils* of that *Nation*. As were alſo the Ib. p. 336, 340, &c. *Council* of *London*, *An.* 833: Of *Kingſtone*, *An.* 838: Of *Kingsbury*, *An.* 851: Of *Wincheſter*, *An.* 855: Of *London*, under *Edred*, *An.* 948: Of *Brandenford*, *An.* 959: Of *London* under *Edgar*, *An.* 970:

970: Of *Wincheſter* and *Calne* under *Dunſtan Archbiſhop* of *Cant.* Of *Ænham*, *An.* 1009: And of *Weſtminſter*, *An.* 1066. It is ſufficiently evident from the inſtances I have already given, that whatſoever the *Synod*, or *Council* were, in which the affairs of the *Church* were tranſacted, they depended intirely upon the *Princes Authority:* Who, for the moſt part, determined what was needfull concerning them, in the *great Councils* of their *Realms*; and when they did not, yet ſtill kept the management, even of their *Eccleſiaſtical Convocations*, in their own hands; And ſuffer'd them not either to *meet*, *act*, or *eſtabliſh* any thing, but according to their *good Pleaſure.*

II *PERIOD.*

From the Coming in of *William* the Firſt, to the 23d. of *Edward* the Firſt.

Hitherto our *Princes* maintain'd their *Rights*, and aſſerted that *Authority*, which their *Royal Sovereignty* gave them, over their *Clergy.* But now the *Papal Power* began to ſhew its ſelf, and to uſurp upon their *Prerogatives:* And among other *Inſtances* in which it did ſo, this before §. 21.

fore us was not the leaſt; till at laſt it grew up to that monſtrous Pitch in which we ſhall find it, about the *latter end* of this *Period:* When the *King* was become of little value to his *Synods*; which were wholly ſubject to the *Popes* direction; and depended upon the Will either of his *extraordinary Legats*, or of the *Archbiſhop* of *Canterbury*, to whoſe *See* a kind of *perpetual Legantine Power*, and *Authority*, was in the end annex'd by him.

I *ſhould* depart too much from my preſent ſubject, ſhould I look abroad, and conſider by what ſteps theſe Encroachments were carried on, to the prejudice of the *civil Power*; and againſt which, no *Princes* either aſſerted their *Authority* with greater Vigour, or took more care to *recover* it, when loſt by them, than Ours did. It ſhall ſuffice, as a Preparatory to what we ſhall hereafter meet with, barely to point out to you the *Artifices* that were made uſe of in order to this end; and to ſhew by what ſecret, and almoſt indiſcernible, Workings, they firſt began to *reſtrain*, and at laſt utterly deſtroy'd the *Rights* of *Princes*, in the point before us.

And

And *firſt*, having either ſent their *Legat* into a *Kingdom*, or elſe conſtituted ſome of the chief *Biſhops* to bear that character; the *Prince*, indeed, *commanded* the *Clergy* to *aſſemble*, but the *other*, as the *Pope's Commiſſioner*, *adviſed* the doing of it. Thus *Boniface* began the Uſurpation in the time of *Carloman*, *Anno* 745. He aſſiſted, as *Pope Zachary's Legat*, in the third *Council* of *Germany*, in which *Gervitio*, Biſhop of *Mentz*, was depoſed, and the ſaid *Boniface* put in his place. And this *Council*, as the *Acts* of it ſpeak, was held *Carlomanno jubente*, & *Bonifacio conſulente*. The *Prince* commanded, the *Legat* adviſed it to be held. But much greater was the advance which *Pope John* the VIII. made in the time of *Charles* the *Bald*, *Anno* 876. For now the *Pope call'd* the *Synod*, and all the *Emperour* had to do, was to require the *Pope's Summons* to be obey'd. So the *Acts* of the *Synod* of *Pontigon* ſhew; where we read, "That "the *Holy Synod* was gathered together "in the name of the *Lord*, by the cal-"ling of *John* the moſt Bleſſed, and U-"niverſal Pope; and at the *Command* of "*Charles* the *Emperour*. And in the *Acts*

§. 22.

Concil. Labb. To. VI p. 1555.

Concil. To. IX. p. 290, 294.

Acts of it, among other things that were determined by it, we find this *Canon* to our preſent purpoſe; That, "As "the *Pope* had, with the *Connivance*, "*Conſent*, and *Joynt-determination* of the "*Emperour*, reſolved to eſtabliſh *Anſe-* "*giſus*, *Archbiſhop* of *Sens*, to be his "*Legat*; and had beſtow'd upon him "the Primacy of *France* and *Germany*, in "*calling* of *Synods*, and *Canonically defi-* "*ning* ſuch things as were neceſſary; "ſo did the *Fathers* of the *Synod agree* "to it, and in like manner *determine* "and *eſtabliſh*.

Vid. Cap. Baluz. To. II. p. 248. n 7.

I might take notice of many things determined in this Decree, in manifeſt Derogation of the *Emperour's Authority*. But I ſhall content my ſelf to obſerve, how by this time the *Pope*, in thoſe parts, had got the power of *Calling Synods* wholly into his Hands; and either himſelf expreſly did it, or elſe gave Commiſſion to ſome other, to do it in his *Name*, and by vertue of his *Authority*.

'Tis true, the *Emperour* conſented to what was done in the preſent caſe; but that was only to allow that particular Perſon, (one of his *own Subjects*) to take upon him the *Character* of the *Pope's Legat*; not to enable the *Pope* to grant ſuch

ſuch a *power*, which he now aſſumed to himſelf a *right* to do.

And accordingly in the ſecond *Synod* of *Troyes*, held but two years after, the ſame *Pope* coming into *France* to remedy the diſorders of the *Church*, and free it from ſome oppreſſions which it lay under; call'd that *Synod* by his *own Authority*: Made what *Canons* he thought needful for thoſe times, and *publiſh'd* them in the *Council*; and the *Council* had the honour to *approve*, and *receive* them from him. §. 23. Concil. Tricaſſin. Anno 878. Ib. p. 307, 311.

But as Encroachments of this nature being once begun, run ſtill on to a greater exceſs; ſo *Pope Formoſus* ſoon carried the Uſurpation yet farther. He aſſembled, by his *Legat*, the Council of *Vien*, the Metropolis of *France*; and the *Biſhops* met at *his Command*. And from henceforth it became a ſetled Cuſtom, for the *Pope*, by his *Legats*, to call ſuch *Synods*; and to ſit with the *Biſhops* in thoſe parts. Ib. p. 433. Vid. Concil. Moſomenſ. pag. 747. Rhemenſ. pag. 750.

Nor did the *Pope* only, by his *Legats*, *call* ſuch *Synods* and *aſſiſt* at them; but even when the *King* himſelf was preſent, the *Legat* now began to *preſide* over them: and to draw even matters of a *civil*

civil Nature before him, and *judge* of
Ib p 624, 626. them. So the *Synod* of *Engelſheim* under *Agapetus* the ſecond, and *Otho* the *Emperour*, did: It judged of the wrong that had been done to *Lewis* the 4th *King* of *France*; and excommunicated the Perſon by whom it was done.

To ſuch a Slavery had the *Pope* brought the *Chriſtian World*, about the beginning of the *Period* I am now entring upon. He *call'd Synods*; He *preſided* over *them*; He ſent what *Canons* he pleas'd to be *confirm'd* by them, and required their *Conſent* to them: And laſtly, He drew not only *Eccleſiaſtical Affairs* under their *Cognizance*; but judg'd of the *Affairs* of *Princes* in them, and the differences that aroſe among them, concerning their *civil Authority* and *Juriſdiction*.

§. 24. But to none of theſe *Invaſions* would the *Conquerour* ever ſubmit; but, on the contrary, he held his *Biſhops* to the ſame ſubjection, which they paid to their *Saxon Princes*: and tho' upon occaſion, he made uſe of the *Pope's Authority* to ſerve his own turn, againſt *Stigand Archbiſhop* of *Canterbury*; yet that being done, he quickly put a ſtop to his *Juriſdiction*; and

and ſuffer'd him not to meddle in any Matters, but where it was for his intereſt to allow of it.

We are told by one, than whom no one better underſtood the ſtate of theſe matters; that this *Prince* would not ſuffer any of his Subjects to acknowledge any *Pope*, but ſuch as was agreeable to his *Will* and *Pleaſure:* And particularly, that he would not endure any *Synod* to be *held*, by the *Biſhops* of *England*; or any thing to be *determined* in any *Eccleſiaſtical Cauſes*, without *Leave* and *Authority* firſt had from *him*, to empower them ſo to do. Eadmer. hiſt. p. 6. Harpsfield hiſt. eccleſ. ſec. 11. cap. 6. p. 224.

And the ſame was the Reſolution of his *Sons* after him: And tho' being neceſſitated for the ſake of their *civil Intereſts*, to yield a little, ſome of our following *Princes* did ſubmit to the *Papal Uſurpations*; yet no ſooner was their *Government* grown *ſtrong*, and their *Peace ſetled*, but both our *Kings* and our *great Men*, preſently began to aſſert their Freedom; and to caſt off thoſe Chains, which the *Pope* had watch'd his Opportunity to put upon them.

So that now then, to give a ſhort account of the method of managing the §. 25.

Affairs of the *Church* in this *Period*; it was briefly this.

In the *great Council* of the *Realm*; (and which tho' alter'd, in ſome circumſtances, by the *Conquerour* from what it was before, yet ſtill continu'd, in the main, the ſame:) as the *Biſhops*, and moſt conſiderable of the *Abbots*, had a place; ſo now, as heretofore, *Eccleſiaſtical*, as well as *civil Cauſes*, were handled by them; and *Laws* paſs'd for the *Government* of the *Church*, no leſs than of the *State*.

In the other, and more ſelect *Councils* of our *Kings*, which in this *Period* were held, ſometimes at the *great Feaſts*, and ſometimes at ſuch other Seaſons, as our Princes thought fit; (and to which they took ſuch of their *great Men* only, both *Eccleſiaſtical* and *Secular*, as themſelves thought fit) many Affairs of the *Church* were alſo *debated*; tho' not with ſuch *Authority*, as in the *other*, more *general Councils*.

Elſyng. *Method of Parliaments*, p. 51.

Beſides theſe *Aſſemblies*, as from the beginning of this *Period*, *Eccleſiaſtical Synods* did often meet; ſo in them were the reſt of thoſe Matters tranſacted, which appertain'd to the *Church*. But then theſe, as they met not without the

the *King's Licence*, ſo neither did they determine any thing but by his *Conſent*; nor were their *Acts* of any *Authority* until they were confirm'd by him.

This was the *State* of the *Church*, in the beginning of this *Period*; whilſt it, as yet, ſtood free, from the *Uſurpations* of the *Biſhop* of *Rome*. How it came to be enſlaved afterwards, will better appear, from that particular view, we are now to take, of thoſe *Councils*, in which any thing, of *greater Moment*, relating to the *Church*, has been concluded.

§. 26. I have before obſerved, how our *Princes* very early began, with *great Solemnity*, to keep the *three* chief *Feſtivals* of the Year, and to be attended by their *Biſhops* and *Lords* at them. At one of theſe *Seaſons*, preſently after he was ſetled in the *Government*, the *Conquerour* commanded a *Synod* to be held; and made uſe of the *Pope's Authority*, and the *Preſence* of his *Legats*, to ſtrengthen what he had to do in it.

King William *the Conquerour*.

Florent. Wigorn. An. 1070.

Having thus aſſembled the *Biſhops* apart, into an *Eccleſiaſtical Council*, he proceeded not only to deprive *Stigand*, *Archbiſhop* of *Canterbury*, (who in ſome meaſure

Vita Lanfranci c. 7. Hoved. fol. 259, 260. Brompt. Col. 967, 968.

meaſure deſerved it,) but ſeveral others of the *Clergy*; for no other real reaſon, but only that he did not love them, or elſe wanted to have his *Normans* in their places. And having thus proceeded, as far as he thought good, in this *Council*; he ſtopt ſtill the next ſolemn *Feſtival*: And then in another *Synod* of the *ſame kind*, and aſſembled by the *ſame Authority*, he went on to farther *Deprivations*; after the like manner as he had done before.

Malmsb. de geſt. Pontif. lib. 1. c. 11. vit. Lanfranc. Antiq. Brit edit. Lond. p. 95, 40. Rad. de dicet. col. 485. Ailred Rievv. col. 406. Mat. Par. ad an. 1075. p. 20.

It was at a like meeting of his *Biſhops* and *Lords*, about two years after; that reſolving the *great Council* into an *Eccleſiaſtical Synod*, he determined the *Primacy* of the *Archbiſhop* of *Canterbury*, over the *Archbiſhop* of *York*; and *ſubſcribed* his *Name* to the *Acts* of it.

What that *Synod* was which *Lanfrank*, ſometime after, held at *Weſtminſter*, we are not told. This we are inform'd, that it was *call'd* by the *King's Command*; and that he was *preſent* at *this*, as he had been at the other *two*.

Whether this were the ſame *Council* which we find recorded by *Malmsbury*, in the life of *Lanfranc*; or whether there was another aſſembled the ſame year, I cannot tell. But that a *Synod* was held

held about this time at *London*, we are well aſſured. In this many ancient *Canons* were revived, and the foundation laid for renewing the *Eccleſiaſtical Diſcipline* of the *Church*. And becauſe this had not ſufficiently determined what was neceſſary to be done; the next Year after, he held another at *Wincheſter*, in which ſeveral uſefull *Conſtitutions* were eſtabliſh'd; the Heads of which ſtill remain to us.

Malmſb. de geſt. Pont. fol. 213. Spelman concil. p. 7, 9, 10.

Antiq. Brit. p. 114. Spelm. p. 11, *&c.*

Theſe are the chief of thoſe *Eccleſiaſtical Synods*, that, we are told, were aſſembled under K. *William* the *Conquerour*. And the laſt of which, however ſaid to have been call'd by *Lanfranc*, who alſo *preſided* in them; yet ſtill we muſt remember what we have before, in general, obſerved of this *King*, that the *Archbiſhop call'd* them by his *Command*: Who alſo approved their *Acts*, before he ſuffer'd them to have any *Authority* in this *Realm*.

Eadmer. hiſt. nov. p. 6.

For the farther Confirmation of which Remark, let us only caſt our Eye upon the Conduct of this *Prince*, as to theſe matters, in his own *Dutchy* of *Normandy*; and from thence we ſhall be able the more certainly to judge, what

§. 27.

Power he claim'd over his *Clergy*, in his *new Dominions*.

And here we find that at *Whitſontide*, *Anno* 1086 he aſſembled his *Parliament* at *Roan*. The Members who compoſed it were the ſame that, in thoſe days, made up ours: There were preſent, the *Archbiſhop*, *Biſhops*, and *Abbots* of his Territories; and with them the *great Lords* of the *Laity*. Being met, they made ſeveral *Laws* for the Government both of the *Church* and *State*; and he was both preſent at their Debates, and by his Authority confirm'd what had been agreed on by them. And when ſome time before, the *Archbiſhop* of *Roan* held a *Provincial Synod*, with his *Biſhops* and *Clergy*, purely to conſult of the Affairs of the *Church*; and ſeveral *Canons* were compiled by them: the *Acts* of it obſerve that the *Conquerour* was himſelf, both preſent at the making of them; and that he afterwards *confirm'd* them by his *Command*.

Orderic. vit. anno 1086. p. 552.

Concil. To. X. p. 310, 311.

§. 28. *King* William II. Such was the *Authority* which this *Prince* exerciſed over his *Synods*: As for his Succeſſor, King *William* the Second, he was not at all leſs, but rather was more ſtiff in aſſerting his *Rights*, as

as to theſe matters, than ever his *Father* had been. Inſomuch that being on a time deſired by *Anſelm*, *Archbiſhop* of *Canterbury*, "To employ his *Authority* "to the reſtoring of *Chriſtianity*, almoſt "utterly defaced in his *Realm*: He ask'd "him, What he would have him do? "Command, ſays *Anſelm*, *Councils* to "be renew'd, according to ancient Cu- "ſtom. There let it be enquired what "has been done amiſs; and let a ſeaſo- "nable Proviſion be made for the re- "medying of it. There has not been "held a *general Council* of *Biſhops*, ſince "you came to the *Crown*; nor for ſome "time before. Through this defect "many Enormities have broke out; "and there being none to ſuppreſs "them, they have, by an evil Cuſtom, "grown to too great a Height. To "which the King anſwer'd, Of this I "will *determine when I ſee fit*; and "that at my *own Pleaſure*, not at *yours*. And he kept his word with him: For during his whole *Reign*, there was no *Eccleſiaſtical Synod* held in *England*. Eadmer. hiſt. lib. 1. p. 25. Knyghton de event. col. 2373.

But what this *King* deny'd, the next readily complied with: For in the ſecond Year of his *Reign*, he conſented to the §. 29. *King* Henry I.

the deſire of *Anſelm* to call a *Synod*, and accordingly at *Michaelmas*, *Anno* 1102, a *Convocation* met, in St. *Peter's Church*, near *London*. At this *Synod*, not only the *King*, but all his *Nobles* were preſent: The *Archbiſhop* deſiring they might be fully ſatisfied in the *Orders* which ſhould be made; to the end they might the more readily afterwards concurr, with the *Biſhops*, in the enforcement of them. For ſo the Iniquity of thoſe times required; in which for want of *Synods*, Vice was grown to an extraordinary heigth, and the Fervour of *Chriſtianity* was much abated.

Eadmer. hiſt. p. 67, &c. Matt. Par. p. 58.

Anſelm. Epiſt. ad reg. Angl. Concil. To. X. p. 732.

It was a long time after this, before any other *Eccleſiaſtical Synod* was held in this *Country*; but then there met one of an extraordinary Nature, and which I muſt take particular notice of; becauſe that in it was made, the firſt conſiderable Invaſion, upon the *Princes Authority*, as to this matter, in theſe parts.

§. 30. *Pope Honorius* having appointed *Jo. de Crema* to go, as his *Legat*, into *England*; he met the *King* in *Normandy*; and after having been ſtop'd for ſome time by him, managed his buſineſs ſo well, as to obtain the *King's Permiſſion* to

to come over hither. Being arrived here, he aſſembled a *National Council* by his *Legatine Authority*, Anno 1125. And the method He took of doing of it, is worth our *Notice*: It being the *firſt Inſtance* we have, of any thing of this nature that was Attempted here. Spelm. anno 1126. Vol. II. pag. 32.

The *Legate*, aſſuming to Himſelf the *King's Prerogative*, commands the *Archbiſhop* of *Canterbury*, to Iſſue out his *Writ* for the *Calling* of it. This the *Archbiſhop* was forced to ſubmit to; yet being deſirous to maintain his *Own Authority*, as well as He could, He drew up the *Writ* in theſe Words. Concil. Spelm. To II. anno 1126. p. 33.

William, *&c.* Archbiſhop *of* Cant. *to* Urban, Biſhop *of* Landaff, *Health.*

" *I ſignifie to you by this Letter, that*
" John, Cardinal Prieſt, *and* Le-
" gat *of the* Roman Church, *has, by*
" Our Order *and* Connivance, *de-*
" *ſign'd to Hold a* Council *at* Lon-
" don, *the day of the* Bleſſed Virgin's
" Nativity. *Wherefore I Command*
" *you, that at the* Time, *and* Place,
" *prefix'd, you fail not to meet us,*
" *with*

" *with the* Arch-deacons, Abbots,
" *and* Priors *of your* Dioceſs; *to*
" *Determine concerning Certain* Ec-
" cleſiaſtical Affairs, *and to* Reform
" *or* Correct, *what the Sentence of*
" *Our ſaid* Convocation *ſhall agree,*
" *is to be* Reformed *or* Corrected.

The *Council* being thus Aſſembled, the *Legate* preſided in it: He ſate not only above the *Archbiſhop* and *Biſhops*, but above all the *Nobility* of *England*, who came thither. By this Pride of his, he raiſed the *Indignation* of the whole *Realm* againſt Him: And being caught in Bed with a *Whore* at *Night*, after having bitterly inveighed againſt the *Marriage* of the *Clergy* the day before; He was forced to leave the *Kingdom*, in a very diſhonourable Manner.

S. 31. But tho' the *Archbiſhop* therefore did what he could to aſſert his *Authority*; yet he was not without a very tender ſenſe of the Affront that had been put upon Him. To prevent the like for the future, inſtead of maintaining the *Rights* of *his See*, and the *Privileges* of *his Country*, (and, in both which, our *Nobility* would certainly have ſtood by Him,)

Him,) He applied to *Rome* for a *Legatine Power* to be Granted to him; and ſo unhappily brought both the *Kingdom*, and his *own Dignity*, under a greater Servitude. Gervas: Dorob. Col. 1663.

Being return'd from *Rome* with his New Character, *Anno* 1127. He, the ſame Year, held a *Council*, not as *Archbiſhop*, but as the *Pope's Legate*; the *firſt* of the Kind that ever any *Archbiſhop* held in *England:* To this was gather'd, beſides the *Biſhops*, a great Croud, both of the *Clergy*, and of the *Laity*. But theſe were *ſpectators* only; the *Biſhops* alone *Voted* in it: And all the *Power* the *King* was now allow'd, was, after having heard what was *defined* by Them, to *Conſent* to it; and to give leave to them to *put* in *execution*, what had been, as we ſee, *determined* by Them. Vid. Contin. Florent. Wigorn. ann. 1127. pag. 662, 663.

But tho' the *Clergy*, by this means, began to get Ground upon this *Prince*; yet it was not very long before he found out a way to be even with Them: and that ſuch a One as was very Gratefull, to his *Cloſe*, and *Thrifty*, *diſpoſition*. For about three years after, having Obſerved how little the *Decrees* of the late *Councils* had prevailed, to Oblige the Mat. Par. ann. 1129. Huntingd. fol. 220. Hoved. fol. 274. Brompt. Col. 1018. Knyght. Col. 2382.

Clergy

Clergy to Abandon their Wives; in another Council held at *London*, *Auguſt* the 1ſt. 1129, He perſuaded the *Biſhops* to leave the Ordering of that matter to Himſelf. Which being done, He exacted vaſt Summs of Money from the *Married Prieſts*; and inſtead of forcing them to leave their *Wives*, gave licenſe to ſuch as would pay for it, to live on freely with Them.

§. 31. K. *Stephen.* *King Henry* being dead, it cannot be wondred if the *Invaſions*, begun to be made upon the *Prince's Rights* towards the latter end of his *Reign*, were not only *continued*, but *encreaſed*, under K. *Stephen*. He, who founded One part of his *Title* to the *Crown*, upon the *Papal Authority*; could hardly be ſuppoſed capable of denying the *Pope* the ſame *Power*, which his *Predeceſſors* had allow'd to Him: And for the Oppoſing whereof, he had himſelf ſo weak a foundation.

Malmsb. fol. 101. Ric. Haguſt. Scr. X Col. 313, 314.

Three *Synods* we meet with, during the *Reign* of this *King*, and Every One held by the *Legatine Power*. The firſt was in the Year 1138: It was call'd by *Albericus Biſhop* of *Oſtia*; and all the favour which was allow'd the *King*, was, That

Gervas. Chron. Col. 1346.

That He was *preſent* at it, and help'd to make *Theobaldus*, *Archbiſhop* of *Canterbury*, in it. Henr. Huntingd. fol. 389.

But much leſs was his intereſt in the next of theſe *Synods*, which met at *Wincheſter*, about *four* years after: and which was not only call'd, without his leave, by the *Legatine Authority* of his *Brother*, the *Biſhop* of that *See*; but was aſſembled on purpoſe to Animate the *Clergy* againſt him, and to prepare the way for *Maude* the *Empreſs* to overthrow Him. But the fortune of the *King* prevail'd: And about the End of the ſame Year, in another *Synod*, of the like kind at *Weſtminſter*, the *Legate* return'd to the *King* his *Brother*'s Party; and Recommended it to the People to pay that Obedience they Owed to Him. Malms. Hiſt. Novell. Lib. II. Spelm. Concil. To. II. p. 45. anno 1142. Spelm. ib. p. 46.

Thus paſs'd theſe Affairs in this troubleſome *Reign*; and in which the *Authority*, firſt *Uſurp'd* by the *Pope*, in the time of *King Henry the Firſt*, got new ſtrength; and began now to plead *preſcription* in its favour. But now the *Civil State* being a little more Quiet, the *King* was thereby in a better condition to Aſſert his *ancient Rights*. And accordingly being inform'd that ſome foreign S. 32. K. *Henry* II. Ann. 1160.

Vid. Neubrig. lib. II. cap. 13.

foreign *Hereticks* were privily got into *England*; He commanded a *Council* of *Biſhops* to meet at *Oxford*, and to call them before them: And being accordingly Convicted by them, they were publickly puniſh'd by the *Civil Power*.

Mat. Weſtmin. Ann. 1161. Ser. Cauſæ, &c. Script. X. Col. 712. Antiq. Britan. p. 130. Mat. Par. Ann. 1162.

By whoſe *Authority* the next *Convention* of the *Clergy* was aſſembled, the year following, it do's not appear. Certain it is, that in the Election of the *Archbiſhop* of *Canterbury*, for which they met, all was managed to the *King*'s content; and the *perſon* choſe, whom He recommended to them.

Brompt. Col. 1101. Spelm. Concil. p. 103. Harpsfield. Hiſt. Eccleſ. pag. 338.

After the death of *Becket*, *Richard Archbiſhop* of *Canterbury*, held a *Provincial Council*. At this the *two Kings*, both *Father* and *Son*, were preſent; and all things were done, not only under their Inſpection, but the very *Council* was held with their *Conſent* and *Good Will*; And the *King*, with his *Lords*, confirm'd the Decrees of it.

§. 33. K. *Rich.* I.

How theſe matters ſtood in the next *Reign*, it will not be very eaſie to ſay: In which the *King* was, for the moſt part, abſent upon his Expedition to the *Holy Land*; and by the means whereof, the Affairs of the *Kingdom* ſuffered not a little

a little at Home. Yet *Baldwyn* the *Archbiſhop*, deſigning to accompany the *King*; before he ſet out, aſſembled a *Provincial Synod*, to ſettle the State of the *Church*; and to take ſuch care, as he thought needfull, to ſecure the Liberties of his *See*. Antiqu. Brit. pag. 145.

It was not long after, that *William Biſhop* of *Eli*, held another *Synod* at *Weſtminſter*. But He being endued with the double Character both of *Lord Juſtice* of the *Kingdom*, in *Richard*'s Abſence, and of the *Pope*'s *Legate*; as we cannot tell by which Authority He *called* it, ſo neither can it be doubted but that between Both, he had a ſufficient *Authority* ſo to do. Radulf de Dicet. Col. 656. Mat. Par. pag. 161.

And the ſame was the Caſe of *Hubert* after: Who being empower'd both by the *King* and *Pope*, aſſembled a *Synod* at *York*; Preſided in it; and made many uſefull *Conſtitutions* for the *Government* of the *Church*. Hoveden. Ann. 1195. fol. 430. Harpsfield. Sæc. XII. cap. 19.

Thus ſtood the Affairs of our *Convocations* in theſe two *Reigns*: We muſt now go on to another proſpect; to a *Reign* in which, thro' the ill Circumſtances of the *Government*, and the Troubles that fell out by the means of it, the

§. 34. K. John.

the *Pope* (according to his Cuſtom) made farther Invaſions upon the *Prince's Right*; and, at laſt, rais'd up his *Authority* to the higheſt pitch, that ever it arrived at in this *Kingdom*.

Hoveden. fol. 457. b. The *King* being abſent upon his *Affairs* in *France*, and *Hubert* ſtill enjoying his *Legatine Power*; by Vertue thereof, call'd a *Synod* to *Weſtminſter*, Anno 1200: And tho' forbidden by *Geoffry* Earl of *Eſſex*, whom the *King* had left as *Lord Juſtice* of *England*, during his Abſence, yet nevertheleſs went on with it, and made ſeveral *Conſtitutions* in it.

Mat. Paris, Mat. Weſtmin. Ann. 1206. It was about ſix years after, that *Jo. Ferentinus* being ſent, as *Legate*, into *England*, and having got together a vaſt Quantity of Money, held a *Synod* at *Redding*, and ſo took his leave of the *Realm*.

From henceforth all things began to run into Confuſion: The *King* obſtinately oppoſing the admiſſion of *Stephen Langton* to the *See* of *Canterbury*; and the *Pope*, thereupon, putting the *Kingdom* under an *Interdict*, and at laſt *Excommunicating* the *King* himſelf. But it was not long, before the *Pope*, and the *King*, came to an Agreement; *diſhonourable*

able to *Himſelf*, and derogatory to the *Rights* both of the *Crown* and *Kingdom*: Inſomuch that *Stephen* himſelf Oppoſed it, and joyn'd himſelf to the *Barons*, againſt both *Pope* and *King*, in defence of his *Countries Liberties*.

It was upon this new Agreement between the *King* and *Pope*, that *John* doing what He would with the Preferments of the *Church*, the *Archbiſhop* held a *Council* at *Dunſtable*, Anno 1214: And deputed two of their number to go to the *Legate*, whom the *Pope* on that Occaſion had ſent hither, to ſtop both *His*, and the *King*'s Proceedings; by putting in an *Appeal* againſt Them *Both*, to the *Court* of *Rome*. And, the ſame year, the ſaid *Legate* having received full *ſatisfaction* from the *King*; and being therefore to Relax the Sentence which had paſs'd both upon *Him*, and the *Kingdom*; that He might do it with the more Pomp, cauſed a *ſolemn Council* to be held at St. *Paul's*, *London*, and there Releaſed the *Realm* from its *Interdict*, and Reſtored the *King* to his *Royal Authority*.

Mat. Paris ad Ann. 1214.

Ib.

And here we muſt put an End to theſe Enquiries, during this troubleſome

Reign. For from henceforth the *Kingdom* was in a continual diſorder; in the midſt of which the *King*, at laſt, died. But tho' by the Wiſe Management of the *Earl* of *Pembrook* his *Governour*, *King Henry* the 3d. ſoon brought things into a better poſture in the *State*; yet ſtill the *Uſurpations* were maintain'd in the *Church*; and the *Archbiſhop*, as *Legate*, continued to Summon the *Clergy* to his *Synod*. So did *Stephen Langton*, Anno 1222: In which He held his famous *Synod* at *Oxford*, and publiſh'd thoſe *Conſtitutions* which ſtill paſs under his *Name*.

Mat. Paris. Mat. Weſtmin. anno 1222. Walſyngh. Hyp. Neuſtr. p. 464.

About *four* years after, *Otto* the *Legate* coming hither, to enlarge the *Pope's Revenues*, before too great in this *Kingdom*; held a *Council* at *Weſtminſter* the day after *Hilary*, and propoſed to the *Clergy* the project upon which He came. To avoid the deſign He had upon them, the *Biſhops* made anſwer, that the *King* (being indiſpoſed) was Abſent; and ſeveral of their *Brethren* were not come to the *Synod*, and ſo they could Reſolve upon nothing for want of Them. The *Legate*, who underſtood the meaning of this; propoſed to them, that They ſhould, at leaſt, Agree to another *Meeting* about *Mid-*

Mat. Paris. Mat. Weſtmin. ad ann. 1226.

Mid-lent, and he would undertake that the *King* ſhould come to it. But the *Biſhops* replied, That without the *Conſent* of the *King*, and their *Brethren*, who were abſent, they could not Agree to any ſuch Propoſal: And the *King* Himſelf forbad all who held any *Baronies* of Him, to do any thing in prejudice of His *Rights*. So zealous were theſe *Men* for the *King*'s *Prerogative*; when they needed it to guard them againſt the *Encroachments* of the *Pope!* And ſo little do Men value how differently they behave themſelves, when their intereſts lead them to ſhift their *Party*, and their *Opinions!*

But tho' the *King* now joyn'd with his *Clergy* againſt the *Pope*, yet it was not very long before He himſelf invited the ſame *Otho*, to come again, as *Legate*, into *England*. Who being accordingly come hither, held a *Legantine Council* at St. *Paul*'s, *London*, in the *Octaves* of St. *Martins*; to Reform the *abuſes* of *Pluralities*, and ſome other Enormities that were crept into the *Church*: And there propoſed his *Conſtitutions* to the *Clergy*, that ſo *by their Suffrage and Conſent, they might be eſtabliſh'd, for the Reformation of the State of the* Church *of* England. Mat. Weſtmin. ann. 1237. M. Pariſ. ad ann. 1237.

I inſiſt not upon the two freſh Attempts, that were made by this *Legate* upon the *Clergy*, for Money; and in Both which He was conſtantly refuſed by Them: As was alſo *Ruſtandus*, who ſucceeded him; and, by the like *authority*, call'd *another Synod*, to fleece the *Clergy* for the *Pope*'s Advantage.

Mat. Paris ad Ann. 1255. pag. 915.

About three years after, *Boniface Archbiſhop*, and *Legate*, held a *Synod* at *Merton*, upon St. *Barnabas*'s day. The *Pope* had, the year before, granted to the *King* the *Tenths* of the *Clergy*, for three years. But the *Clergy*, tho' they Honour'd the *Pope* much, yet reſolved not to part with their Money: And the *Archbiſhop* held this *Synod*, on purpoſe to Oppoſe the payment of what he had granted.

Spelm. Concil. ad Ann. 1258. pag. 304.

Upon another *Legate*'s being ſent hither, *Anno* 1261: ſeveral *Councils* were this year *call'd*, and *held*, in Our Country. The two *Archbiſhops*, Aſſembled their Reſpective *Clergy* at *London*, and *Beverley*: And *Boniface* held another, diſtinct *Council* at *Lambeth*, and publiſh'd many excellent *Conſtitutions* in it.

Mat. Weſtmin. ad Ann. p. 379.

Concil. To. XI. pag. 803.

But moſt famous in theſe times, as of chiefeſt *Authority* afterwards, was the *Council* Aſſembled by *Ottobon* another *Legate*,

Legate, about the Year 1268. He had two years before, at the *Parliament* at *Northampton*, Aſſembled the *Clergy* who met there; and with Them *Excommunicated* all ſuch as ſhould adhere to *Simon Montfort*, and his Party. And now he held this Other at *London*, with the *Clergy* of the *whole Kingdom*; and therein publiſh'd thoſe Notable *Conſtitutions*, we ſtill have under his Name. Knyghton Col. 2454. Mat Weſtmin. anno 1268. Walſ. Hyp. Neuſtr. pag. 471. Spelm. Concil. ad ann. 1248.

It was now become a *matter* of *Cuſtom*, and accounted a *matter* of *Right*; for the *Legates* Extraordinary; and the *Archbiſhop* of *Canterbury*, as *Legate* of Courſe, to Summon the *Clergy* to *Convocations*: Inſomuch that we do not find this *Great King*, who otherwiſe was ſenſible enough of the *Encroachments* that had been made, and were daily making upon the *Royal Authority*; to have been at all Offended at it. §. 36. K. *Edw.* I.

Hence *Peckham*, the *Archbiſhop*, being return'd from *Rome*, Anno 1280, the ſame year, held a *Council* at *Redding*; and therein commanded the *Conſtitutions* of the General *Council* of *Lyons* to be obſerved. And the next year He aſſembled another at *Lambeth*; in which the *Orders*, and *Conſtitutions*, eſtabliſh'd by Walſyngham Hiſt. pag. 49. Walſ. ib. Concil. To. X. p. 1196.

Otho, and *Ottobon*, were Confirm'd; and ſome Others added, for the better *Government* of the *Church*.

Antiquit. Brit. pag. 198.

About *ten* years after, the ſame *Peckham* again held another *Synod*, at *Redding*: in which, when the *King* heard that They were attempting ſome Orders in derogation to his *Authority*; He ſent to the *Archbiſhop*, and *Biſhops*, to deſiſt: And upon his Threatnings they put a ſtop to their Proceedings, and Brake up the Council.

And thus have we ſeen what *Encroachments* were made, towards the *End* of this *Period*, upon the *Prince's Authority*, in the Subject before Us. There were, within this *Period*, (as all along after,) beſides theſe *National* and *Provincial Councils*; ſeveral *Epiſcopal*, or *Dioceſan Synods* Aſſembled, for the Affairs of that particular *Dioceſs* in which they were held: and ſome *Rules* were made by Them, to be obſerved by the *Clergy* of that Diſtrict only. Such were the *Conſtitutions* of *Alexander*, *Biſhop* of *Coventry*, Anno 1237: Of *Walter*, *Biſhop* of *Worceſter*, made in his *Synod* at *Worceſter*, Anno 1240: Of *Walter*, *Biſhop* of *Norwich*, made in his *Synod* at *Norwich*, *Munday* after *Michaelmas*, Anno 1255:

Apud Spelm. Concil. To. II. p. 208, 240, 301.

1255: Of *Giles*, *Biſhop* of *Salisbury*, Anno 1256: And of which, it is not neceſſary that I ſhould take any particular Notice, on this Occaſion. Ib. 302.

§. 37. But tho' the Affairs of the *Church* were in great meaſure handled in theſe ſeveral Kinds of *Eccleſiaſtical Synods*; yet this did not hinder, but that ſtill Our *Kings*, with their *Great Councils*, did from time to time interpoſe in theſe Matters; and order many things relating to *Eccleſiaſtical Perſons*, and *Cauſes*.

When *Wulſtan*, *Biſhop* of *Worceſter*, challenged ſome Lands as belonging to his *See*, which were with-held from it by the *Archbiſhop* of *York*; the *Cauſe* between them was judged by *William* the *Conquerour*, in his *Parliament* at *Pendrede*, the *Archbiſhop*, *Biſhops*, *Lords*, and *Great Men* being preſent. This was manifeſtly a *State Aſſembly*; and by theſe was the *Right* between the two *Biſhops* examined, and determined. K. *Will.* I. Sim. Dunelm. Col. 203.

§. 38. But more properly *Eccleſiaſtical* was the Cauſe which *William* the *Second* examined in his *Parliament* at *Rockingham*; upon *Anſelm*'s reſolving to go to *Rome*, K. *Will.* II. Eadmer. p. 26. Antiq. Brit. Vit. Anſelm.

and to receive his *Pall* from thence. This the *King* vehemently oppoſed; and declared that the *Archbiſhop* could not both *preſerve* his *fidelity* to him, and *pay obedience* to the *Pope*. And it is obſervable, that the referring of this cauſe to the Judgment of the *Parliament*, was at *Auſelm*'s own deſire; who cannot be ſuſpected of doing any thing that he thought, in the leaſt, inconſiſtent with the *Liberties* of the *Church*.

§. 39. *King* Henry I. The next great Controverſie that aroſe of this kind, was in the ſecond Year of *King Henry* the Firſt, about the *Right* of *Inveſtitures*. This was a point much debated in thoſe times, not only here, * but in moſt of the *Countries* of *Europe*. † To this the *King* laid a claim, and accounted himſelf to have as good a Title to it, as his *Father*, and *Brother* before him had.

* Eadmer. p. 100. Petr. Bleſ. p. 128. Malmſ. fol. 94. Hoveden. fol. 272. Knyghton col. 2372. Mat. Pariſ. pag. 65. Mat. Weſt. Anno 1112.

† Vid. Mat. Pariſ. p. 56, 58, 59, 60, 63. Mat. Weſt. An. 1102, 1104. Malmſ. fol. 128. a.

Upon this occaſion the Quarrel grew ſo high between the *King* and *Anſelm*, that the latter was, once more, forced to leave the *Kingdom*. But the cauſe was at laſt brought before the *Parliament*;

ment; and there it was, by mutual Conſent, reſolved, that from thenceforth no one ſhould be *inveſted* by the *King*, or any other lay hand, to a *Biſhoprick* or *Abbey*, by the delivery of the *Paſtoral Staff* or *Ring*; but yet, upon ſuch a promotion, they ſhould do *Homage* to the *King* for it; which was the other thing that *Pope Urban* had before inſiſted upon, as much as upon the point of *Inveſtiture* its ſelf. Eadmer. hiſt. lib. 4. p. 91.

This matter was ſcarce ended, when another aroſe about the *Marriage* of the *Clergy*. And this was, in like manner, ended in *Parliament*, by the *Authority* as well of the *King* and his *Lords*, as of the *Archbiſhops* and *Biſhops*: And an order made to prohibit all ſuch as were in any *Clerical Order*, to cohabit with their *Wives*. Eadmer. ib. p. 95.

There was yet a third great Controverſie remaining concerning the *Primacy* of the *Archbiſhop* of *Canterbury*; and the Subjection that was due, from the *Archbiſhop* of *York*, to him. This alſo was brought before the *King* at *Whitſontide*, and determined by him, with his *Biſhops* and *Lords*; and the *Authority* of the See of *Canterbury* aſſerted by them. Eadmer. ib. p. 100. Hoved. fol. 270, &c. Mat. Weſt. An. 1113. Rad. de Dicet. col. 500, 501.

And

Brompton col. 1006. An. 1115. And when, ſome time after this, *Thurſtine*, *Archbiſhop* of *York*, refuſed to be concluded by this *Decree*; he was in full *Parliament* obliged either to renounce his *Biſhoprick*, or to pay *Obedience* to the *See* of *Canterbury*.

§. 40. *King* Stephen. No ſooner was this *King* dead, and *Stephen* placed in his Throne; but, in full *Parliament*, he confirm'd the *Liberties* of the *Church*, and made very ample *Conceſſions* to it.

Ric. Haguſtald. col. 314. Florent. Wigorn. An. 1138. In his *Parliament* at *Northampton*, two years after, he diſpoſed of ſeveral *Eccleſiaſtical Preferments*: And that this was the cuſtomary manner of thoſe times, may be gathered from the laſt *Parliament* of this *King*; Jo. Brompton col. 1040. " Which was call'd " by him, as well for the Affairs of the " *Kingdom*, as to make *Proviſion* for the " *Church* of *York*, then *vacant* by the " death of St. *William*, the late *Biſhop* " of it.

§. 41. *King* Henry II. How far the *Parliament* ſtill continued to meddle with *Eccleſiaſtical Affairs*, under the next *King's Reign*; the Controverſie of that *Prince* with *Becket* his *Archbiſhop*, may alone ſuffice to ſhew. When being angry with the *Archbiſhop* for

for *Excommunicating* one who held of him, and did him ſervice, without firſt obtaining his leave ſo to do; he, in his *Parliament* at *Weſtminſter*, propoſed to the *Biſhops*, that they ſhould promiſe to obſerve the *Ancient Laws* of the *Realm*. This they refuſed to do, but with a *Proviſo* put in to ſecure their *own Liberties*. The *King* reſenting this, the *Archbiſhop* and *Biſhops*, in a *great Council* at *Oxford*, promiſed, that they would ſubmit to what he required of them. But when he thereupon, held his *Parliament* at *Clarendon*, and the particular points which they were to yield to, were propoſed to them; *Becket*, tho' he had at firſt *ſworn* to obſerve them, yet afterwards flew off from it; and never left, till he at laſt loſt *his Life*, in an obſtinate Oppoſition of the *King's Prerogative*.

From this time the *power* both of the *Pope* and *Clergy* began very much to prevail. For the *King* being upon this occaſion, forced to a diſhonourable *Submiſſion*; and the following *Princes*, eſpecially *King John*, ſinking their Authority ſtill lower; the Efforts which were made by the *Laity* againſt it, were, for ſome §. 42.

ſome time, but very feeble: Nor could the *Parliament* ſufficiently vindicate its *Power*, againſt the *Encroachments* that were daily made upon the *Civil Juriſdiction.*

But however, both our *Kings*, and our *Parliaments*, began by degrees to recover their *Authority*, and to return to their former ſtrength; tho' indeed it was not till about the *End* of this *Period*, that they did ſo. And how far they then extended their *Power* both over *Eccleſiaſtical Perſons*, and in *regulating* of *Eccleſiaſtical Matters*; their *Acts* ſtill remaining, and many of them ſtill in force too, ſufficiently ſhew: and all which are ſo well known, that I ſhall not need to inſiſt more particularly upon them.

See the Acts of Proviſors, Præmunire, Mortmain, &c.

III *PERIOD.*

From the 23d. of King *Edward* the Firſt, to the 25th. of King *Henry* the Eighth.

S. 43. In the laſt *Period*, we met with a conſiderable *Change*, by the Uſurpation of the *Pope*, and Weakneſs of our *Princes*, made in the *Exerciſe* of the *Eccleſiaſtical*

aſtical Supremacy. We are now to account for no leſs a change in the *Civil State:* If the opinion of thoſe may be admitted, who here fix the firſt Settlement of our *Parliament*, upon that *laſting* and *excellent Foundation*, upon which it has ever ſince ſtood; and upon which, it is to be hoped, it ſhall ever continue to ſtand.

That our *Kings*, from the beginning, had their *great Councils*, and which, tho' not yet call'd by that *Name*, were nevertheleſs inſtead of a *Parliament* to them; has before been obſerved, and cannot be deny'd, or doubted of by any. To theſe the moſt eminent Perſons of the *Kingdom*, as well *Clergy*, as *Laity*, were wont to be called; before the time of the *Norman Conqueſt*. And when, by occaſion thereof, the *Conquerour* made a change in the *Tenures* of *Lands* in this *Country*; from thenceforth all the *great Men*, and *Clergy*, who held of him by *Baronies*, and ow'd him *Service* thereby, were ſummon'd by him to his *great Councils:* And with theſe, all ſuch others as held of him *in capite*, were *obliged* to attend at them, whenſoever their Preſence ſhould be required; and that was, for the moſt part, as often as the

the *Prince* wanted *Money*, and expected a ſupply from them. Thus much the *Charter* of *King John* implies; and this ſeems to have been the true *Conſtitution* of our *Parliament*, till about the latter end of King *Henry* the Third's time.

See Pryn's *Animadv. on the* 4 Inſtit. p. 8.

§. 44. How a change was then made, and what occaſion was taken for the making of it; it is not needfull for me, in this place, to enquire: But that in the 49th. Year of that *King* the *Commons* were ſummon'd by *Writ* to come to *Parliament*, is confeſs'd by thoſe who deny that they ever had any place in it before.

Elſyng. *Meth. of Parliaments*, p. 9. Brady's *Introd.* p. 140.

Whether they, from thenceforth, continued to be conſtantly called to theſe *Councils*; or whether there was an Interruption in this *new Eſtabliſhment*, from that time, till about the 18th. of King *Edward* the *Firſt*; as it is hard to determine, ſo is it not very material to my preſent buſineſs to enquire. That which we are ſure of is, that in the 18th. of King *Edward* the *Firſt*; they were again ſummon'd; and ſo have continued ever ſince to be.

Brady, ib. p. 144, 149, 150.

But

But tho' it be therefore confeſs'd that §. 45.
the *Commons* were conſtantly call'd to
the *Parliament*, from the 18th. of *Ed-*
ward the *Firſt:* yet it does not appear
that the Method, now obſerved, of chu-
ſing of them, was ſo ſoon brought in.
The moſt ancient Authorities that are Brady, ib.
alledged for this, are the *Writs* of the P. 155.
23d. of the ſame *King*; and from which
time, accordingly, ſome have dated the
full Settlement, of our preſent moſt *wiſe*,
and *admirable Conſtitution.*

And as this is the *Change* which ſeems §. 46.
to have been made, about this time, in
the *ſecular* part of our *Parliament*, ſo
have we reaſon to believe, that at the
ſame time, there was no leſs a change
made in the *Eccleſiaſtical* part of it. For
whereas before, only the *Biſhops* and
Abbots, who held of the *King* by their
Baronies, were wont to be ſummon'd
thither; in the 49th. of *Henry* 3. when
the *Commons* began to be call'd, ſeveral
of the *Inferiour Clergy* were alſo call'd
together with them; and that, for ought
appears, in a larger Proportion than Brady's *Intr.* p. 138,
the *Laity* themſelves were. And when, 143.
in the 23d. of *Edward* 1ſt. the conſti-
tution

tution of the *Parliament* came to be ſetled, as now it is; the *Inferiour Clergy* were put upon the very ſame foot, that the *Commons* were, in it. And as with reſpect to the one, a *Writ* was iſſued out to the *Sheriff* of each County, to return ſuch a certain number of *Knights*, *Citizens*, and *Burgeſſes*; ſo with relation to the other, a *Clauſe* was inſerted into the *Writ* of the *Biſhop* of every *Dioceſe*; to ſend the *Dean* of his *Cathedral*, and his *Archdeacons* in *perſon*; and out of the *Chapter*, and *Archdeaconries*, to chuſe ſuch a number of *Proctors*, as was thought ſufficient to *repreſent* the *Clergy*, of each *Dioceſs*, in it.

Elſyng. *Meth.* p. 17. Brady's *Introd.* p. 150. *See the Append. below.*

§. 47. 'Tis true, we are told, that in ſome few *Writs*, at the beginning, this *Clauſe* was ſometimes omitted. By what means, or upon what account, they cannot tell. But then, as we find, that when this *general Clauſe* was omitted, *particular Writs* were ſent to ſeveral of the *Inferiour Clergy* to come to *Parliament*; ſo the ſame *Learned Perſon*, who furniſhes us with this Remark, does ingenuouſly confeſs; that after a diligent ſearch of our *Records*, it did appear to him, that theſe *Defects* were ſoon over; and

and that from the 6th. of *Edw.* 3. the *Clergy* have continued to be as *duly*, and *conſtantly* ſummon'd to *Parliament*, as the *Commons* themſelves have been. Elſyng. ib. P. 21, 31.

Indeed, ſo evident is the truth of this, that our greateſt *Lawyers*, and *Antiquaries*, do not deny the inferiour *Clergy* to have been once a member of the *Parliament*. My *Lord Coke* has told us, That many times they have appear'd there, as *Spiritual Aſſiſtants*, to *conſider*, *conſult*, and *conſent*: Only he affirms, that they never had *Voices* there, *becauſe they were no Lords of Parliament*; the force of which *Argument* I ſhall leave to the *Houſe* of *Commons* to *anſwer*. In the mean time, I muſt obſerve, that in the caſe of *Bird* and *Smith*, *Trin.* 4. *Jac.* 1. upon a *Deprivation* made of *Smith*, by the *High Commiſſioners*, for not *Conforming* to the *Canons* of the *Church*; the Lord *Chancellour* having call'd *Popham*, Lord *Chief Juſtice* of the *King's Bench*; *Coke*, of the *Common Pleas*; and *Fleming*, Lord *Chief Baron*, to his aſſiſtance; it was agreed to by all the three, without any Exception; "That "the *Canons* of the *Church* made by the "*Convocation*, and *King*, without the "*Parliament*, ſhall bind in matters *Ec-* 4. Inſtit. P. 4. Moor. Rep. p. 781, 783.

" *cleſiaſtical*, as well as an *Act* of *Par-*
" *liament*: Becauſe the *Convocation* of the
" *Clergy* was *once* a Member of the *Par-*
" *liament*, but afterwards, for Conve-
" nience, ſeparated; and therefore does
" carry its peculiar Juriſdiction along
" with it, in the *Convocation Houſe*:
" For which reaſon alſo, a *Clergy-man*
" cannot be choſen a *Member* of the
" *Houſe* of *Commons*, nor a *Lay-man* of
" the *Convocation*; as *Coke* then decla-
" red had been reſolved, in a Conference
" of the two Houſes, 21 *Hen.* 8.

4 Inſtit P. 4. And as concerning the other part of my *Lord Coke*'s Aſſertion, that the *Proctors* of the *Clergy* never had *Voices* in *Parliament*; becauſe, in the *Writ* of *Summons*, it is ſaid that they were call'd, *Ad* conſentiendum *his, quæ tunc ibidem, de communi conſilio dicti regni noſtri contigerit ordinari*; it may ſuffice to obſerve; that tho' this be indeed the preſent *Form*, yet when both the *Clergy* and *Commons* were firſt called to this *great Council*, they were both ſummon'd to another purpoſe, and in words that did expreſly intitle them to *Act* in it. In the 23d. *Edw.* 1. the firſt *Summons* (for ought appears) that was ever regularly iſſued out for them; they were

were called, *Ad* Tractand. Ordinand. & Faciend. *nobiſcum, & cum cæteris prælatis & proceribus, & aliis incolis Regni noſtri.* In the 4th. *Edw.* 3. *Ad Faciend. & Conſentiend.* And this continued to be the uſual *Form* afterwards. And theſe are the very Words that were uſed in the *Commons Writs* in the ſame *Parliament*, 4 *Edward* 3: And which, tho' alter'd about the 26th. of that *King*, into others of greater force, *Ad Tractand. Conſulend. & Faciend.* Yet that *Form* laſted not very long; but in the 46 of the ſame *King*, it again was worded, *Ad Faciend. & Conſulend.* and ſo has continued to this day. And a more ancient Authority than this, in my Lord *Coke*'s Account, has told us, that the *Clergy* were call'd, *Ad Tractand. & Deliberand:* That their names were call'd over the beginning of every *Parliament*; that they had a *Voice* in it, and made a part of the *Commons* there.

Elſyng's *Meth.* p. 20, 21.

4 Inſtit. p. 12. Modus tenendi Parl. Hakewell, p. 2, 11, 31, &c.

§. 48. But becauſe this is a point that will beſt be clear'd by *matter* of *Fact*; we will enquire a little what the *Clergy* were wont, heretofore, to do there. For as for the *Forms* of *Summons*, tho' I conceive at firſt, they were very properly

drawn; and do mark out to us the undoubted *Rights* of thoſe to whom they were ſent, as they were allow'd of in thoſe ancient times; yet how little they may ſignifie now, the *Form* of our *Parliamentary Writs*, in the *Præmonentes* to the *Biſhop*, does alone too evidently ſhew.

Cotton's *Abridg. of the Records*, p. 11.

In the 6 *Edw.* 3. after the *Archbiſhop* of *Cant.* and *Biſhop* of *London* had declared, how that the *French King* deſigning an *Expedition* to the *Holy Land*, had deſired our *King* to go along with him; and that this was the cauſe of calling that *Parliament*: Sir *Jeffery le Scroop* added, by the *King's Commandment*, that the ſame was called, as well to redreſs the *Breach* of the *Laws*, and *Peace*; as for the *King*'s going to the *Holy Land*.

The *Biſhops* anſwer'd, That it did not properly appertain to them to *counſel* in *matters* of *Peace*, and to *preſcribe* for the *puniſhment* of *Evils*: And ſo together, with the *Proctors* of the *Clergy*, they went *apart*, to *conſult* about the Matters propoſed to them.

b. p. 19.

In the 13th. of the ſame *King*, the *King* appointing *Commiſſioners* in his ſtead to begin, and continue the *Parliament*, we find the *Dean* of *York*, as *Treaſurer*, ſtanding next to the *Archbiſhop* in the *Com-*

Commiſſion. And in the *Parliament*, which met the *Michaelmas* before, it being reſolved to hold another upon the *Octaves* of *Hilary*; the *Archbiſhops* were order'd to ſummon their reſpective *Convocations*, to be ready to meet with it.

In the 18th. of the ſame *Edw.* 3. at the opening of the *Parliament*, complaint was made, that ſundry of all *Eſtates* were abſent; whereat the *King* did no leſs muſe, than he was thereat offended. Wherefore he charged the *Archbiſhop*, for his part, to puniſh the Defaults of the *Clergy*, and he would do the like, touching the *Parliament*. Ib. p. 43.

And in the ſame *Seſſion*, the Reſolution being taken that the *King* ſhould *end* the *War* he was engaged in, either by Battle, or an Honourable Peace; the *King* agreed: And in order thereunto, the *Clergy* of *Cant.* granted him a *Triennial Diſme*; and the *Commons* two *fifteens* of *Counties*, and two *Diſmes* of *Cities* and *Towns*. Ibid.

It was the uſual cuſtom of the *Commons*, in thoſe days, to begin ſuch *Bills* as they thought neceſſary to have paſs'd, by *Petition* to the *King* in *Parliament*. Thus they did in this *Parliament*, 18 *Edw.* 3. which being ended, the *Biſhops* and

Clergy exhibited their *Petitions* alſo, being in number ſeven; whereto the *King* anſwer'd, and the ſame comprized, in the *Statute* for the *Clergy*, ſtill extant. In the *Preamble* of which, the *King* takes notice of the *Triennial Diſme* granted to him by the *Prelates*, and *Procurators* of the *Clergy*, of both *Provinces*.

See the Stat. 18. Edw. 3. Raſtall.

In the 1 *Rich.* 2. we again find the *Clergy petitioning* in like manner: And in the 21ſt. of the ſame *King*, the *Commons*, by Sir *John Buſſey* their *Speaker*, pray the *King*, that foraſmuch as divers Judgments were heretofore undone, for that the *Clergy* were not preſent, therefore they pray'd the *King*, that the *Clergy* ſhould appoint ſome to be their *common Proctor*, with ſufficient Authority thereunto. And the *Biſhops* thereupon appointed Sir *Thomas Piercie* their *Proctor*, to aſſent in the name of the *Clergy*. And by vertue whereof, when the *Parliament* took a *new Oath* to the *King*, the *Biſhops* and *Abbots* themſelves took it, and Sir *Thomas Piercie*, as *Proctor* for the *Clergy*, was *ſworn* to the ſame.

Ib. p. 368.

Ib. p. 371.

And when, in the ſame *Parliament*, Sir *John Buſſey* offer'd the *King* a *Subſidy* from the *Commons*, and thereupon deſired

ſired his *general Pardon*; the *Clergy* gave the like power to Sir *William le Scroop* of *Wilts*, to anſwer for them, that they late did to Sir *Thomas Piercie*. And when finally, upon the advice of Sir *John Buſſey*, the Lords were required again to *ſwear* not to alter any thing of what was done in this *Parliament*; not only the *Biſhops*, and *Temporal Lords* did ſo; but ſundry of the *Proctors* of the *Clergy*, and moſt of the *Commons*, by holding up their hands, affirm'd that they would do the ſame.

Now the main thing done in this *Parliament*, and for the effectual performance whereof, they were ſo ſolicitous to have ſuch an *Authority* concurr, as might admit of no exception; was to *annul* the *Proceedings* of the *Duke* of *Glouceſter* and his *Adherents*, in the 10th. and 11th. years of this King, and to prevent the like violence for the time to come. And in the *Statutes* made to this purpoſe, there is expreſs mention therefore made, of the *Proctors* of the *Clergy* conſenting thereunto; as in the *ſecond*, and *twelfth Chapters*, of the *Acts* of that *Parliament*, may more fully be ſeen. And tho' in other places they are not particularly mention'd; yet ſince thoſe who

allow the leaſt to them, do confeſs, that their aſſent was taken to what was done; we muſt conclude, that they are comprehended under the *general Name* of the *Commons*, even when they are not expreſly *diſtinguiſh'd* from them.

§. 49. From what has been ſaid, it appears, that the *Inferiour Clergy* were not only heretofore a part of the *Parliament*, but did *meet*, and *act* in it. But now after what manner they did ſo, does not ſo plainly appear. It has been the opinion of ſome, who have been very well vers'd in the *Antiquities* of our *Country*, that, at firſt, the *two Houſes* not only met in the *painted Chamber*, at the *opening* of the *Parliament*; and at ſuch other times as the *King came* to it; but ordinarily *ſat*, and *voted*, *together*.

Cotton's *Abridg.* ib. p. 11, 12. Elſyng. p. 82, 84.

But as thoſe who aſſert this, are forced to confeſs, that it was, even then, the cuſtom of the ſeveral *Eſtates* to retire, and conſult by *themſelves*, of any difficult matters that came before them; and ſo return again, and joyntly deliver their *Opinions*: ſo we are aſſured, that they had, very early, their ſeveral *places* to meet in, and their ſeveral *Speakers* too, to manage their Debates.

In

In the 6th. *Edw.* 3. the *Parliament* met about the *Affairs* of *Scotland*. The *Biſhops* and *Clergy* went apart by themſelves; the *Dukes* and *Barons* by themſelves; and afterwards they deliver'd their joynt Anſwer to the *King*. And ſo they did in the 40th. Year of that *King*: When the *Pope* having ſent hither to demand *Tribute* and *Homage*, to be paid to him, we are told, That the *Biſhops went apart by themſelves; the other Lords by themſelves; and the Commons by themſelves*. And being returned from their ſeveral places, and met together; they all declar'd their unanimous Reſolution to oppoſe the *Pope's* Demands. Cotton's *Abridg.* p. 11. Ib. p. 102.

In the 50th. of the ſame *Edward*, we find mention made of the *place* where the *Commons* ſat, *viz.* the *Chapter-Houſe* of the *Abbot* of *Weſtminſter*. And three Years before this, upon a demand of Money made by the *King*, to carry on his Wars; the *Commons* ſent to the *Lord's Houſe* to deſire a *Conference* with them; and they preſently agreed to the Propoſition, and went into the *Chamberlain's Chamber* to treat with them. Ib. p. 120. Ib. p. 116.

It is in the 51ſt. Year of this *King* that we find the firſt, expreſs mention, made Elſyng. *Meth.* Ch. 5.

made of the *Speaker* of the *Houſe* of *Commons*; tho' there want not very probable Conjectures to prove that they had one long before.

That upon ſuch times as the whole *Parliament* met, and as long as they continued to ſit together; the *Proctors* of the *Clergy* met together with them, is not to be doubted. Their *Writs* ſummon'd them to the ſame *place*, and upon the ſame *buſineſs*; and we cannot doubt, but that they met accordingly, at the *opening* of every *Parliament* together.

Whether upon the diviſion of the two *Houſes*, as the *Biſhops* continued to ſit with the one, ſo the *Proctors* of the *Clergy* did alſo ſit, at firſt, with the other, I am not able to ſay. But from the time that they had a diſtinct *Prolocutor* of their own, we muſt conclude, that they met *diſtinctly*: And upon all the *Diviſions* we meet with, in the moſt *ancient Rolls* of *Parliament*, the method ſtill was for *each Eſtate* to conſult together; the *Lords Temporal* by *themſelves*; the *Commons* by themſelves; and the *Biſhops* and *Clergy* by themſelves. And when we conſider the *Method* that has been taken, from the beginning, of

ſum-

ſummoning each of theſe to *Parliament*; how the *Temporal Lords* have their *Writs* particularly directed to them; the *Commons* theirs, directed to the *Sheriff* of *each County*, and the *Biſhops* and *Clergy* theirs joyn'd together: It may ſeem not improbable, that as they were ſummon'd after a diſtinct manner to the *Parliament*, ſo they *ſate* too; And that the *Biſhops*, and *Proctors* of the *Clergy*, not only *occaſionally conſulted* together, but ordinarily *acted* as *one* of the *three Eſtates* of the *Realm* there.

In what *place* the *Clergy* uſed to meet, I have not found: But as their other *Convocations* were uſually held at St. *Paul's*, ſo it is not improbable but that, upon theſe occaſions, they may have ſate there alſo.

It was the *Cuſtom* of the *Parliament*, in the time of *Henry* the 8th. that the *Lords* did not ſit upon *Convocation-days*; becauſe then the *Biſhops* were abſent, and ſat with the reſt of the *Clergy*. This was in uſe in the 1ſt. Year of that *King*: And afterwards we find, that certain days were appointed, every Week, for the *Convocation* to ſit; and on thoſe, the *Lords* only met and adjourned, but entred not upon any publick Buſineſs. Elſyng. *Method of Parl.* p 93.

Were

Were we well aſſured of the Antiquity of this Cuſtom, it would go a great way towards the Confirming of what I before propoſed: And being joyn'd with thoſe two Things of which we are Certain; namely, *Firſt*, That upon all Greater *Debates*, it was the Manner of the *Biſhops* and *Clergy* to go aſide, and Conſult with One Another; and then, by the *Archbiſhop*, or ſome Other of the *Biſhops*, Report their Opinion to the Other *Eſtates*: And, *Secondly*, That They ſeparately gave *Subſidies* to the *King*; (as alſo the *Lords* and *Commons* ſeem to have anciently done:) would prompt us to conclude the *Conſtitution* of our *Parliament* to have been, Originally, this; That when the *Three Eſtates* met together, (as at the Opening of every *Seſſion*, they are ſtill wont to do; and are by ſome ſuppoſed to have always done at the firſt;) the *Proxies* of the *Clergy*, as well as the *Commons*, either came Up to the *Houſe* of *Lords*, or they all attended the *King* in the *Painted Chamber*. Afterwards, when they ſate ſeparately, Each *State* met, and *conſulted*, by its ſelf: Only the *Biſhops*, and *Parliamentary-Abbots*, as they appear'd there under a double Capacity,

ſo

ſo they *ſate*, and *Voted* accordingly: With the *Clergy* in *Convocation*, as Members of that *Eſtate*, on *Convocation-days*; At Other times, with the *Lords* in the *Upper Houſe*; as *Members* of the *Baronage* of *England*, by Vertue of their *Baronies*.

And thus have I accounted for the §. 50.
firſt Original of the *Convocation*, as it was anciently a *Member* of the *Parliament* of this *Realm*; and is ſtill Summon'd by the ſame *Writ*, by which the *Biſhops* are Called to *Parliament*, at this day. But there is another *Reſpect*, under which the *Clergy*, in *Convocation*, may be conſider'd; and of which it will, therefore, be neceſſary for me to give alſo ſome Account; before I go on to take any particular View, of what was done by them under this *Capacity*.

I have before ſaid, that when the *King* Orders his *Writs* to be Iſſued out for Calling a *Parliament*, He do's, at the ſame time, direct *two* Others to be ſent to the *Two Archbiſhops*, to Summon the *Clergy* of their Reſpective *Provinces*, to meet together about the ſame time. And it will be neceſſary for me, in the firſt place, to take notice of the difference

rence there is between theſe *Two kinds* of *Sunamons*; becauſe that, by that, we ſhall be able the better to judge, what is intended by Each of Them.

Firſt, then; The *Parliamentary-Writ* is ſent diſtinctly to every *Biſhop*, immediately from the *King*; and the *Biſhop* is thereby Required to Summon the *Clergy* of his *Dioceſs*, to go along with him to *Parliament*. Whereas the *Convocation-Writ* is ſent only to the *Archbiſhop*, and He, by the *Biſhop* of *London*, ſends to the Other *Biſhops* of his *Province*; to meet Him with their *Clergy*, in *Convocation*; according to the *King's Command*. And ſometimes, the *Archbiſhop* heretofore, Summon'd them, only by his *Own Authority*.

2. By the *Parliamentary-Writ*, the *Biſhop* and *Clergy* of Each *Dioceſs*, are to come to the *place* where the *Parliament* is intended to be *Opened*; and upon the *Day* appointed for the *Aſſembling* of it. By the *Convocation-Writ*, they are call'd to the *Chapter-Houſe* at *Pauls*, or to ſuch Other *place* as the *Archbiſhop* appoints; and that oftentimes heretofore on ſome Other day than that on which the *Parliament* began.

3. The

3. The *Parliamentary-Writ* Summons Them to come to *Parliament*, there to *Treat*, &c. *with the King, the Reſt of the Prelates and Lords; and Other Inhabitants of the Realm, concerning the Urgent Affairs that are there to be deliberated of; with reſpect to the King, the Realm, and the State of the Church of* England. The *Convocation-Writ* calls them to *conſult* only *among Themſelves*; and that as they ſhall be *directed* by the *King*, when they *come together*.

4. By the *Parliamentary-Writ*, only the *Deans*, *Arch-deacons*, and *Proctors* of the *Clergy* are Summon'd: But the *Convocation-Writ*, with theſe, call'd the *Regular Dignitaries* too; *Omnes Abbates, Priores*, &c. *tam Exemptos quàm non Exemptos*; and ſo gave many a *place* in *Convocation*, that had nothing to do in the *Parliament*.

5. Laſtly; By the *Parliamentary-Writ*, they were ever to meet at the very preciſe *time* the *Parliament* did: By the *Other*, they not only did not meet always, at the ſame preciſe *Time*, but very often at ſuch *time* as no *Parliament* was Sitting. Which was the Caſe of the moſt ancient *Convocation-Writ*, I have ever met with, of the 9 *Edw.* II. And accor-

according to which the *Convocation* ſate, *Febr.* 17: whereas the *Parliament* met the *October* before.

§. 51. It is therefore as plain, as any thing can well be, That the *Convocation* of the *Clergy*, conſider'd as call'd by the *Parliamentary-Writs*, and *ſitting* by Vertue of *Them*; and the *Convocation* conſider'd, as Summon'd by the *Convocation-Writ*, and the *Orders* of the *Archbiſhop*, conſequent thereupon; are, in their *nature* and *conſtitution*, two different *Aſſemblies*; and which, by no means, ought to be Confounded together. The great *Queſtion* is, What the *nature* of this *Convocation*, as diſtinguiſh'd from the *Parliamentary-Convention*, is; and what the *deſign* of their *Meeting* Originally was?

Had theſe *Convocations* been always Aſſembled by the *Authority* of the *Archbiſhop*, without any *Writ* from the *King*; as oftentimes heretofore they were: And had they meddled only with *Eccleſiaſtical Matters*, when they met; It would have been no hard matter to give a plain, and certain Anſwer to this *Enquiry*. Becauſe, in that Caſe, it would have been Evident, that theſe *Convocations* were

were no Other than *Provincial Synods*; which the *Archbiſhop* took occaſion to Aſſemble; for the Eaſe of the *Clergy*, and the Benefit of the *Church*; at the ſame time that they were otherwiſe Required to come together, for the *buſineſs* of the *State*.

And this Uſe Our *Kings* were wont ſometimes to make of Them. They referr'd *Eccleſiaſtical Matters* to them; and adviſed with them in things pertaining to *Religion*. But as the *Form* of their *Summons* entitles them to meet upon ſome *urgent Affairs*, which *concern* not only the *ſecurity and defence of the Church of England*, but of the *King* too; *and the peace and tranquility, the publick Good, and defence of the Kingdom*: So the main deſign Our *Princes* ſeem to have had in Aſſembling theſe *Convocations*, either at the *ſame time* they did their *Parliament*, or not long after, was to *get Money* from Them: That ſo, in a much fuller *Body* of the *Clergy*, than what uſually came to the *State-Council*; and conſiſting of ſuch Members particularly, as were moſt hard to be dealt with; the *Abbots* and *Priors*; they might either obtain a *ſupply* from the *Clergy* there, when they had none in

Parliament; or have that Supply *confirm'd* by them in *Convocation*, which had before been Granted to Them in *Parliament*.

Nor is this any vain *Conjecture*, but founded upon a General Obſervation of what was done by the *Convocation* when it met; and which, for the moſt part, was nothing elſe but to *confirm*, or *make* an *Order* for Money: And even upon the very *Summons* themſelves, which were anciently ſent to them; and in which the Cauſe of their *meeting* was, oftentimes, more particularly expreſs'd, than afterwards it was wont to be. I ſhall offer an *Inſtance* of this, in that ancient *Summons* before mention'd, 9 *Edw.* II. In which it is declared; That *thoſe Biſhops, and* Others *of the* Clergy, *who were Summon'd to* Parliament, *had, as far as they were concern'd, unanimouſly yielded to a Subſidy; but ſo, that* Others *of the* Clergy, *who were not* Summon'd *to Parliament, ſhould Meet in* Convocation, *and Conſent thereto. And that for this Cauſe the King had ſent his Writ to the Archbiſhop, to Summon All Prelates, whether Religious, or Others, and Others of the Clergy of his Province, to meet at* London, *poſt* 15 *Paſch. to treat,*

Elſyng's Meth. of Parl. p. 9.

Grand Queſt. p. 159.

treat, and conſent of the Matter aforeſaid.

This therefore was the great *Uſe* which Our *Kings* were wont, all along, to make of their *Convocations*; and from this it came to be the *Cuſtom* to Summon them, for the moſt part, as often as the *Parliament* met; and, Generally, at the *ſame time* that it did ſo.

But tho' our *Convocations* therefore, even as *Eccleſiaſtical Synods*, have, by this means, come to be, for a long time Summon'd, at the *ſame time* that the *Parliament* was to meet; yet I do not ſee any Reaſon there is to confine them ſo cloſely to ſuch a *ſeaſon*, as to make it abſolutely neceſſary, for the *King*, to call the *One*, whenever He do's the *Other*. Indeed *Cuſtom*, which, in ſuch Caſes, ought to be allow'd its juſt force, has prevailed ſo far, that it may be queſtion'd whether the *Clergy* thereby have not a *Right* to be Summon'd to the *Convocation*, as often as the Other *Eſtates* are to the *Parliament*. But as Our *Kings* have often been wont to hold *Convocations*, when there were no *Parliaments* ſitting; ſo in this very Age, we know, the *Convocation* was *continued*, after the

§. 52.

See the Appendix. Num. VI. A. B. *Lamb's* Life and Troubl. *Ann.* 1640. P. 80.

Parliament was *diſſolved*; and our moſt Eminent in the *Law* declared that it might *lawfully* be ſo.

§. 53. How long our *Archbiſhops* went on, by their *Own Authority*, to call theſe *Convocations*, I am not able preciſely to determine. But as it is obſerved by One, who has been very Curious in theſe Remarks, of *Simon Langham* firſt, That *He ſummon'd ſuch Synods, partly at the* deſire *and* command *of the King; and partly without the King's Letters, at his own pleaſure:* and of *Thomas Arundell* after, *That the* Convocation *of* 1408, *as* almoſt *all the Others of His Time, were called by the ſole Letters and Command of the Archbiſhop; tho', nevertheleſs, He ſometimes held Them at the* deſire *of the* King, *and by* vertue *of his* Letters, *for the* Publick Affairs *of the* Realm: So it is plain, that, not only in theſe times, the *King* did often ſend his *Orders* to the *Archbiſhop* for this purpoſe; but that from the very time of *Edward* the *Firſt*, He had been conſtantly uſed ſo to do. And it is no improbable conjecture of our *Church-Hiſtorian*, that about the End of *Arundell's* time, the *King* began wholly to Aſſume this Power;

Harpsfield Hiſt. Eccleſ. ſæc. XIV. cap. 11.

Ibid. ſæc. XV. cap. 9.

Fuller's Ch. Hiſt. Book V. Sect. 3. p. (190)

er; and that from thenceforth no *Convocations* were call'd, but at his Command. That this was the *Caſe* in *Henry the Eighth's time*, the *Act* of his 25th. Year, *Chapt.* 19. tells us: And whoſoever ſhall weigh the *Introduction* of that *Statute*, will ſee cauſe to conclude, from the Wording of it, that ſo it had been for ſome conſiderable *time* before.

§. 54. And now, having thus prepared the way for a *Right underſtanding* of the *nature* of the *Convocation*, as it was firſt ſetled in the beginning of this *Period*; and has, from thence, been derived down to Us: Let us go on to take a brief View of the chiefeſt of thoſe *Meetings*, of which any Account remains to Us; and from thence we ſhall be able more clearly to diſcover the *Nature* of them, and what *dependance*, of *Right*, they ought to have upon the *Royal Authority*.

No ſooner was *Winchelſea* made *Archbiſhop* of *Canterbury*, but He preſently turn'd his Mind to the Reformation of his *Court* of *Arches*; and for the better accompliſhing thereof, call'd a *Provincial Synod*, in which He publiſh'd thoſe *Orders*, K. *Edw.* I. Ann. 1295. Spelm. Concil. To. II. p. 413.

Orders for the *Regulation* of it, which ſtill Remain to us under his Name.

Spelm. ib. ad Ann. 1296. pag. 428.

The next year after, the ſame *Archbiſhop* held Another *Synod*; and therein agreed, that a Sentence of *Excommunication* ſhould be publiſh'd againſt all ſuch as ſhould Infringe the *Liberties*, granted by the *King*, in his *Great Charter*, and *Charter* of the *Foreſt*; and that the *Copies* of Them, (order'd by the *King* and *Parliament*, to be ſent to Every *Cathedral Church*,) ſhould, according to their Command, be publickly Read to the *People* Aſſembled there. There were ſome other things done in this *Convocation*, for the better ſecuring of the *Privileges* of the *Church*; and an Order publiſh'd by the *Archbiſhop*, throughout his *Province*, to make known to the *Clergy* what had been Reſolved by Them.

Mat. Weſtmin. Ann. 1297.

What was deſign'd to have been done in the *Convocation* again, called the year following, is not known. All that we are told of it, is, That *two Fryars* appear'd there, in behalf of the *King*, to ſhew, that notwithſtanding the *Pope's Prohibition*, the *Clergy* might lawfully grant a *Subſidy* to the *King*, to help Him in his Wars: Which being done, they laid

laid a *Command* upon the *Clergy*, under pain of Impriſonment, not to publiſh any *Sentence* of *Excommunication*, either againſt the *King*, or againſt any that put Themſelves under his Protection: and thereupon the *Synod* immediately broke up.

For the better underſtanding of which, we muſt know, that the *Archbiſhop* had procured a *Bull* from *Rome*, to forbid the *Clergy* to grant the *King* any farther aſſiſtance, without his leave firſt had for the doing of it. The *King* hereupon put the *Clergy* out of his *protection*: And then the *Clergy* granted him a fifth part of their Goods; only the *Archbiſhop* Himſelf ſtood out, and had his Goods Confiſcated. But, ſo ill were the Circumſtances of the *King* at that time, that he thought it not ſafe to Conteſt it with Him; but, in a little time, return'd again to Peace with the *Archbiſhop*, and reſtored his Goods to Him.

Mat. Weſtmin. 1296, 1297. Walſyngham, ann. 1298. pag. 69. Knyghton Col. 2489.

Knyght. ib. Col. 2491. 2510, &c. Antiqu. Brit. pag. 203.

But this Reconciliation laſted not long; the *King* ſeeming rather to have waited for an Opportunity of doing him a miſchief, without hurting himſelf, than to have truly forgiven him. And therefore being now in better Circumſtances

Mat. Weſtmin. Ann. 1305. with the *Pope*, He accuſed the *Archbiſhop* of having been the chief Fomenter of all the *late Troubles* he had met with, from his *Barons*; and forced him to go to *Rome* to anſwer for it. And when, in the laſt year of his *Reign*, He held his *Parliament* at *Carliſle*, An. 1308: He cauſed an Inhibition to be Put upon *William de Teſta*, a new *Legate*, ſent to get up more Money here; and a Reſtraint to be laid upon ſuch *Monks* as had Lands in *England*; but whoſe *capital Houſes* were in *other Kingdoms*.

Walſyngham, p. 92. Ann. 1307.

Walſyngham, Ann. 1308.

Ibid.

§. 55. K. Edw. II. So earneſtly did this *King* labour to recover his *Authority*, from thoſe intollerable *Uſurpations* that had been made upon it. No ſooner was *King Edward* the *Second*, His Son, Crown'd; but He gave the *Archbiſhop*, now Return'd from *Rome*, to underſtand, that He would not ſuffer his *Realm* to be obliged, either by the *Decrees* of the *General Council* of *Lyons* abroad; or by the *Conſtitutions* of *Otho* and *Ottobon* at home, againſt his Conſent: And therefore, that he ſhould not *deprive* any of his *Chaplains* of their *Benefices*, on any pretence of *Pluralities*, or *Non-Reſidence*.

Antiquit. Brit. pag. 208, 209.

But

But ſtill the *Pope's Authority* both in aſſembling, and managing of our *Convocations*, nevertheleſs prevailed. An eminent inſtance of which we have, in the *Convocation* held the year after, and from whence we may collect, how they were order'd about this time.

The *Pope* having reſolved to ſuppreſs the order of the *Knights-Templers*, ſummons a *general Council* to meet at *Vienne*. To this he invites, or rather commands, our *Archbiſhops* and *Biſhops* to come. And that they might be the better prepared for what they were to do there, he requires the *Archbiſhop* of *Canterbury* to aſſemble a *Provincial Synod*, and therein to deliberate about the affairs of the *Knights-Templers*; and to diſpoſe the way, for their more effectual *Condemnation* at the *general Council*. Spelm. Concil. To. II. ad An. 1309. p. 458.

The *Archbiſhop* having received this order from the *Pope*, immediately ſends his *Writ* to the *Biſhop* of *London*, requiring him to call the *Biſhops* and *Clergy* to a *Convocation*. The *Biſhop* of *London* ſends abroad his *Summons* accordingly: And when they met, the uſual Preliminaries being over, the *Pope's Bulls* were, in the firſt place, read; next the *Biſhop* of *London's* Certificate,

to

to ſhew what he had done, in obedience both to the *Pope*'s, and *Archbiſhop*'s, Command: and ſo they proceeded to the buſineſs for which they were called.

And here then we have a full Repreſentation, of the *State* of our *Convocation*, and how it was managed in theſe times.

Great was the *Uſurpation* which the *Pope*, in all this, made upon the *King's Authority:* And it ought the rather to be taken notice of, becauſe this *Archbiſhop* was otherwiſe, a hearty Friend to the *Liberties* of his *Country*, and had a true reſpect and value for the *King*; whoſe Follies and Exceſſes wrought ſo far upon him, that they are at laſt thought to have broke his Heart.

The next *Archbiſhop* that ſucceeded him, as he came in by the *Pope's Authority*; ſo, to maintain his *Power* the better, he took care by ſuch means, as ſeldom fail in the *Roman Court*, to gain mighty Privileges from that See. Being ſupported with theſe, he proceeds to make a *Provincial Viſitation*; holds ſeveral *Synods* at *Oxford*, *Lambeth*, and in other places. And in one at *Weſtminſter*, publiſhes his *Provincial Conſtitutions*. And all that the *King* was able

Conſt. Walter Reynold apud Lynwood.

to

to do, was to ſend a *Prohibition* to him not to attempt, or do any thing to his Prejudice; or to the Prejudice of the *State*, his *Crown*, or *Kingdom*. Concil. Labb. To. XII. pag. 2468. Spelm. Concil. p. 488.

As for *Simon Mepham*, who ſucceeded this *Archbiſhop*, he held ſome few *Synods*, and made ſome *Provincial Conſtitutions*; in neither of which, there is any thing extraordinary to be obſerved.

And the ſame muſt be ſaid of the *Convocations* held by *Archbiſhop Stratford*, who follow'd after: In all which, there is little to be taken notice of, more than this, that what *Conſtitutions* were made by them, he ordered to be obſerved by his own *Authority*, and to be *publiſh'd* by the *Clergy* throughout his *Province*. Spelm. Concil. To. II. ad An. 1341, 1342. p. 550.

But here, tho' it be not neceſſary to our preſent purpoſe, yet it may not be amiſs to obſerve, how our *Kings* began, by degrees to aſſert their *Authority*, and to put a *ſtop*, if not an *end*, to the *Uſurpations* of the *Court* of *Rome*. It was about the Year 1343, that the *Pope* deſiring to encreaſe his Revenue here, ſent a Meſſage to the *Clergy* to perſwade them, out of the two *Provinces* of *Canterbury* and *York*, to maintain too *Cardinals* at *Rome*. This being brought

§. 56. *King* Edward III. Knyghton Col. 2583.

brought before the *Parliament*, it was reſolved, by the *common Conſent* of that *great Council*, to let the *Pope* freely know, that they were grown weary of his *Impoſitions*, and neither could, nor would bear, any longer, thoſe *Burdens*, which he was continually laying upon the *Kingdom*. For which end, it was alſo reſolved, that whoſoever *procur'd* any *Benefice* in this *Realm*, by vertue of the *Pope's Proviſion*, ſhould be obliged to come and live upon it, and not be ſuffer'd to draw the *Wealth* of the *Nation* into *other Countries:* And leaſt this ſhould not do, it was alſo farther eſtabliſh'd, that no one ſhould be *admitted* to any *Benefice*, upon the *Authority* of any *Bull* from *Rome*, without the *King's* ſpecial *Licenſe* and *Conſent*. And all the *Lords* and *Nobles* declared, that if the *Pope* went on, by his *Proviſions*, to diſpoſe of *Benefices*, whether to Foreigners, or others; which their Anceſtors had given, by way of Charity, to *religious Perſons* to *pray* for them; they would forthwith ſeize them into their own hands, and diſpoſe of them as they thought good.

This was a brisk ſtand, and ſome reſtraint it did put to the *Pope's Exorbitancies.*

bitancies. And yet it was but a year after, that he ſent two *Biſhops* to the *King* to prevail with him to revoke theſe orders: But our *Hiſtorians* tell us, that they received a *ſhort Anſwer*, and preſently return'd home again. And the next year following, the *King* put a Fine upon all *Foreign Clergy-men*; and took of every one according as they were able to give. Knyghton Col. 2548, 2585. Ibid. Col. 2546.

It would be too long for me to ſay, how far this great *King*, following herein the ſteps of his *Royal Grandfather*, King *Edward* I. proceeded to maintain his own *Authority*, and the *Liberties* of his *Country*, againſt the *Papal Encroachments*. I ſhall only add, that notwithſtanding all the endeavours of the *Court* of *Rome* to the contrary, he conſtantly adhered to the *Laws* made againſt *Proviſors*, *&c.* And when the *Pope* publiſh'd his *Indulgence* at *Rome*, *Anno* 1349: he not only expreſly forbad any of his *Subjects* to go thither, but recall'd thoſe who were already there. An. Regni 17, 25, 27, 28, 40, &c. Knyghton Col. 2601.

But to return to our *Convocations*, and the method obſerved in holding of them. When the *Archbiſhop* complain'd §. 57.

in

Spelm. Concil. To. II. An. 1351. p. 597.

in the *Parliament*, of the Violation that was made of the *Privileges* of the *Church*, in that *Clergy-men* known to be ſuch, were oftentimes forced to appear before the *King's Judges*; it was freely told him, that in this, nothing was done but what was abſolutely neceſſary to the *Peace* of the *Realm*: For that the *Ordinary* was ſo negligent in puniſhing of them, that there would be no bounds ſet to their Exceſſes, unleſs the *civil Magiſtrate* took ſome care to reſtrain them. The *Archbiſhop* was ſenſible that this was but too true: and thereupon he went apart with his *Parliamentary Clergy*, and by their *common Advice* and *Conſent*, ſet forth an order, for the more ſevere confining and puniſhing of ſuch Offenders.

As for the other *Synods*, held by this *Archbiſhop*, there being little remarkable in them, I ſhall not need to inſiſt upon them.

§. 58. *King* Richard II.

It was about the Year 1393, that the famous *Statute* of *Præmunire* was paſs'd, and by which it was hoped, that an effectual ſtop would have been put to the *Uſurpations* of the *See* of *Rome*. And indeed it has been ſaid by ſome, that

that from this time forward, our *Archbiſhops* did leave off to *ſummon Convocations* by their own *Authority*, and call'd them only at the *King's Command*. But tho' I am not altogether ſatisfied in this particular, yet that they now began to be more moderate in the *Exerciſe* of their *Power*, I do eaſily *believe*: And certain it is, that not only after this *Act*, but all along before, when things ran at the higheſt againſt the *Royal Prerogative*; yet ſtill our *Kings* often interpoſed their *Authority*, and ſummon'd *Convocations* by their own *Writs*, directed to the *Archbiſhop*, as they ſtill continue to be at this day. *See before* Sect. 53.

And now the *Preaching* of *Wickliffe*, and the *Opinions* by him brought in, began to be taken notice of: Inſomuch, that *Courtney*, being *Archbiſhop*, thought it needfull to hold a *Synod* at *London*, on purpoſe to paſs a *Sentence* of *Condemnation* upon them. Whether he did this at the *King's Command*, or by vertue of his own *Legatine Authority*, I ſhall not enquire: But this we are aſſured, that the *King* thereupon iſſued out his orders for the *Arreſting* of all ſuch as held any *Heretical Tenets*; and particularly that oppoſed the *Doctrine* of the *Church* agreed Spelm. Concil. To. II. ad An. 1382. p. 628, &c.

greed upon in that *Convocation*.

And the ſame was the buſineſs of the *Councils* held by *Arundel*, his Succeſſor, firſt at *Oxford*, *Anno* 1394; then at *London*, *Anno* 1408. And leſt the orders of ſuch *Synods* ſhould not be ſufficient to put a ſtop to the growth of theſe opinions, the *Civil* Power was not only allow'd, but deſir'd, to interpoſe with them; and an *Act* made for the Proſecution of *Hereticks*, *Anno* 1401, 2 *Hen.* 4.

Walſyngham ad an. Spelm. Concil. p.649,662.

But tho' by this means therefore a new ſubject was ſtarted, to exerciſe the debates of our *Convocations*; yet ſtill the *Pope* ceaſed not to attempt upon the *Crown* with his wonted *Uſurpations*. To oppoſe which, *Richard* the 2d. call'd his *Clergy* together, *Anno* 1398: and demanded of them, Whether the *Pope* had *Power* to *tranſlate Biſhops*, and *diſpoſe* of *Preferments*, as he had again that Year notoriouſly done. Inſtead of giving any direct anſwer whereunto, they cautiouſly *reply'd*; That it was their opinion the *King* ſhould write to the *Pope* to deſiſt from ſuch *Practices* for the time to come. At which the *King* being juſtly offended, told them, That had they boldly aſſerted his

Walſyngham Hyp. Neuſtr. p. 356.

his Right, he would have firmly ſtood by them; and have protected them againſt the *Power* of the *Court* of *Rome*.

King *Richard* being depoſed, and King *Henry* being willing to ingratiate Himſelf with the *Clergy*, ſcarce a year paſs'd without a *Convocation*: The main buſineſs of which ſtill was to ſuppreſs the *New Opinions*, and to proſecute the Maintainers of Them. But except this, there is little, from this time forth, to be obſerved, to our preſent purpoſe, in Them. *S.* 59. K. *Hen.* IV.

But tho' I ſhall not therefore need to inſiſt any farther, upon the particular View of the *Convocations* of theſe times; yet a *Law* there is, which muſt not be paſs'd by. It was made in favour of the *Clergy*, by King *Henry* the *Sixth*, Anno 1430. And the ſubſtance of it is, "That the *Clergy* in *Convocation*, ſhould "be allow'd for *Themſelves*, and their "*Servants*, all the ſame *Protections* and "*Privileges*, which had been Granted "to *Members* of *Parliament*; and, which "by Vertue thereof, they ſtill continue "to Enjoy. *S.* 60. K. *Hen.* VI. *See the Statute* 8 H. 6. *c.* 1.

§. 61. K. *Henry* VIII. I ſhall cloſe up theſe *Remarks*, with the account of one Other *Convocation*, and that ſuch as is not to be parallell'd, in all its circumſtances, in any part of our *Hiſtory*. King *Henry* the *Eighth*, having call'd a *Parliament* to *Weſtminſter*, Anno 1529; Commanded *Warham*, *Archbiſhop* of *Canterbury*, to Summon a *Convocation* of the *Clergy* to meet, about the ſame time, in St. *Paul's Church*, *London*. *Cardinal Woolſey*, who, as *Archbiſhop* of *York*, had no place in the *Convocation*, and was deſirous to bring every thing within his *Own Management*; by his *Legatine Power* diſſolves the *Convocation* held, at the *King's Command*, by *Warham*; and Orders the ſame *Synod* to Appear before himſelf, as the *Pope's Legate*, the next day, at *Weſtminſter*. Where having got a ſufficient Subſidy granted by Them to the *King*, he ſoon diſmiſs'd the Aſſembly.

Antiquit. Brit. pag. 313.

And thus have I given a brief Account, of the moſt conſiderable *Aſſemblies* of the *Clergy* in *Convocation*, during this Third *Period*. Many there are, which I have paſs'd by, without making any mention at all of Them. And it may be ſufficient here, in the *Cloſe* of all, to ſay this one

one thing concerning Them; That, for the moſt part, the *Great End* our *Kings* had in Summoning of Them, was to get *Money* from Them; as, the main thing they did, when they met, was to conſider what *Meaſures* to *take*, and what *Excuſes* to *urge*, to avoid the *Giving* of it.

IV *PERIOD.*

From the 25th. of King *Henry* the Eighth, to Our Preſent Times.

§. 62. We are now come to the laſt Part of theſe Reflections; to the Time in which our *Convocation* was finally *ſetled*, by *Parliamentary Authority*, in the State in which it now ſtands; and under which *Condition* I have, in the foregoing *Chapter*, conſider'd the *Rights* of it. I ſhall here only give a ſhort account, *how* it came to be thus *ſetled*; and what *Methods* our *Princes* have, from thenceforth, taken, for the Management of their *Eccleſiaſtical Affairs*, and the Exerciſe of their *Eccleſiaſtical Supremacy*.

King *Henry* the Eighth, having been a long time trifled with, by the *Court* of *Rome*, in the buſineſs of his *Divorce*; and being not of a Humour to bear ſuch an

Oppoſition, as was thereby made to his *Deſires*; Reſolved, at laſt, to break off all Communication with it: And, in purſuance thereof, paſs'd an *Act* againſt *Appeals* to *Rome*, and for *ending Eccleſiaſtical Suits* within his Own *Realm*; Anno 1533.

It was not long after this, that *Warham* dying, and *Cranmer* being made *Archbiſhop* of *Canterbury*; the buſineſs of the Divorce, which had ſo long been depending, was finally determined by Him. The news of which being got to *Rome*, the *Pope* not only Annull'd the *Archbiſhop*'s proceeding, but Commanded the *King* to do it likewiſe: And, upon his Refuſal to hearken to Him, publiſh'd againſt Him a *Sentence* of *Excommunication*, as He had before Threatned to do.

To prevent that Breach, which this muſt otherwiſe have neceſſarily made between Them, the *French King* interpoſed ſo effectually with the *Pope*, (who, about this time, came as far as *Marſeilles* to Treat with Him) that He offer'd new Terms of Accommodation to King *Henry*; and the *Archbiſhop* of *Paris*, thereupon, undertook to make up the difference betwixt Them.

And

And now all things ſeem'd to tend to Peace: The *King* was willing to accept of the *Pope*'s Offers; and the *Pope* no leſs deſirous to gain the *King*. The miſfortune was, that the *Pope* confined Him to ſo ſhort a time, that his Meſſenger could not get to *Rome* ſo ſoon as had been required: And the *Imperial Faction* wrought ſo powerfully upon the *Pope*, that he refuſed to enlarge it but for *ſix days*; till He might ſee what the *King* would do, before He proceeded to a *final Sentence* againſt Him.

The Quarrel therefore now being come to a heighth, and the *King* reſolved to maintain his *Authority*; Many *Laws* were paſs'd, the next year, for the better Eſtabliſhment of it. And becauſe he was ſufficiently aware, that His chiefeſt *oppoſition* might be likely to ariſe from the *Clergy*; He reſolved to take an effectual Courſe with Them: And of which, it will be requiſite, to give ſome ſhort Account. §. 63.

I have before Obſerved, what ſevere *Laws* were made by *Edward* the *Third*, in his 25th, 27th, and 28th Years, againſt the *Uſurpations* of the *Biſhop* of *Rome*. Theſe were confirm'd by King *Richard*

the *Second*, in his 12th, and 13th Years. And, becauſe the *Pope* ſtill went on, nevertheleſs, in his Practiſes; in his 16th Year, the famous *Act* of *Præmunire* was paſs'd, againſt All *Bulls*, &c. from the *Court* of *Rome*, under Pain of Perpetual *Baniſhment*, with the forfeiture of the *Lands*, *Tenements*, *Goods* and *Chattels* of thoſe who ſhould either *procure*, or *make uſe* of Them.

But, notwithſtanding theſe *Laws*, the *Pope* ſtill proceeded in his Own way, and the *Clergy* were always ready to aſſiſt him in it: And by theſe means there were but very few, of any Note, among Them; who had not, upon ſome account or other, incurr'd the *Penalty* before mention'd.

Upon this Ground, therefore, the *King* reſolved to attacque Them: And They being well Aware of the danger of it, determined by any means to Avoid it. In Order whereunto, They firſt agree to Offer the *King* a *Summ* of *Money*; And, in the next place, by an *Act* of *Convocation*, to ſubmit Themſelves to Him, and Recognize his *Royal Authority* over Them. This was that *ſubmiſſion*, upon which the *Act* for *Regulating* the *Convocation*, was drawn: and in which, among

among Other things, theſe (two) *Points* became ſetled, both by *Parliament*, and *Convocation:* Firſt; That the *Clergy* have no *Right* to meet in any *Synod*, without the *King's Licenſe*, teſtified by his *Writ* to the *Archbiſhop*. And, Secondly; That being Met, They cannot proceed to *Act*, but according to his *Direction*.

Thus was the *Crown*, after a long *Invaſion* upon it, Reſtored to thoſe *Rights* it anciently *enjoy'd*; and which our *Kings*, as we have ſeen, continued to aſſert, till the *Papal Power*, or *Intereſt*, became too ſtrong for Them. And accordingly, ever ſince, the *Convocation* has continued to *aſſemble*, and *act*, according to theſe Meaſures; ſo that I ſhall not need to take any more particular View of its *Proceedings*. §. 64.

It is, I conceive, without all doubt, that ſince the *paſſing* of this *Act*, the *Convocation* has ſtill been ſummon'd, as often as a *Parliament* has been held. And as long as the *Clergy*, therein, continued to aſſiſt the *Government*, by granting of *Subſidies*; it has generally been allow'd to ſit too, as often as it was neceſſary for §. 65.

that purpoſe; tho' it has ſeldom done any thing beſides.

But altho' it has therefore been the General Cuſtom, for the *Convocation* to meet, whenſoever the *Parliament* do's; yet neither ſince the Paſſing of this *Act*, nor before, have theſe two been accounted to have ſo inſeparable a Relation to one another, but that (if the *King* pleaſed) the *Convocation* might be held, when the *Parliament* was not: And the *Parliament fit*, and *act*, and yet the *Convocation* do neither. An inſtance of the *former* of theſe, we have within, about four years after the *Paſſing* of the *Convocation-Act*. The *Archbiſhop*, by Order of the *Vicar-General*, call'd a *Convocation* Anno 1537. And the *Clergy* accordingly, both Met, and Did buſineſs, tho' no *Parliament* was held that Year. As for the latter, it is a matter of daily practiſe, and has been ſo ever ſince the *Reformation*.

Burnet's Hiſt. Ref. Vol. I. pag. 245.

It is certain then that the *Convocation*, as we now underſtand it; that is to ſay, as it is an *Aſſembly* of the *Clergy*, call'd by the *King's Writ*, directed to the *Archbiſhops*, and, by their *Order*, Grounded thereupon; is an *Aſſembly* altogether different from the *Parliament* of

of this *Realm*; and evidently no *Member* of it. The only Queſtion is, What we are to think of it, when it meets together with the *Parliament*; and has a *pretenſion* to its Aſſembling, as well by the *Biſhop's Parliamentary Summons*, as by the *Archbiſhop's Orders*.

When Mr. *Philpot* was examined before the *Lords* of the *Council*, Novemb. the 6th. Anno 1555: concerning the *Hereſie* of which he was Accuſed; One part of His Plea, for himſelf, was, That they took advantage of certain things that had been ſpoken by him in *Convocation*; And that for this He ought not to be call'd to account; "Becauſe that "*Houſe* being a *Member* of the *Parliament*, ought to be a place of *free* "ſpeech for All Men of the *Houſe*, by "the ancient and laudable Cuſtom of "this Realm. And indeed, ſo firmly was this Notion ſetled in the Minds of the *Clergy*, in thoſe days, that in the *Convocation* held the firſt year of *Edw.* the *Sixth*, a Motion was made; "That "it ſhould be deſired, in the Name of "the *Lower Houſe* of *Convocation*, that "their *Houſe* might be United to the "*Houſe* of *Commons*.

§. 66. *Fox*: Martyrol. Vol. III. in his VIth. Examinat.

But

But the Lords, *Rich* and *Windſor*, told Mr. *Philpot*, "That the *Convocation* was "No *Part* of the *Parliament*, tho' by an "Old Cuſtom, it was call'd together by "*One Writ* of *Summons*, with the *Par-* "*liament.*

To their Opinion, Mr. *Philpot* ſubmitmitted; nor ſhall I pretend to enter any Plea againſt it. Thus much is plain, That the *Convocation* was *once* accounted, in this Reſpect, a *Member* of the *Parliament*: And the Reaſon why it was accounted ſo, was; Becauſe, by this *Writ* of *Summons*, the *lower Clergy* were Called, no leſs than the *Biſhops* themſelves, to it. Now thus they continue to be *ſummon'd* ſtill. The *Writ* is the ſame it ever was: Is as conſtantly Iſſued out, and as expreſsly Worded; as when they were, from thence, confeſs'd to be a *part* of the *Parliament*. And therefore the *Reaſon* of the thing being the ſame, one would think it ſhould ſtill inferr the ſame *Concluſion*. But *Logick* is one thing; and *Law* is another: And all this notwithſtanding, the *Clergy* is now, no Member of the *Parliament*. Nor is there any Reaſon why it ſhould be: For now, there being ſo many *learned Biſhops* there (I ſuppoſe heretofore there were no *Biſhops* there) their *Preſence*, *is*

IV Inſtitute: p. 5.

no

no longer holden neceſſary. So my *Lord Coke* has learnedly determined this matter. Which makes me the more wonder, that the *Preſence* of the *Inferiour Clergy* being no longer *holden neceſſary*, it ſhould nevertheleſs be *holden neceſſary* to continue their *Summons*; and not rather be thought adviſeable to Reduce the *Biſhop's Writ* to its firſt *Form*, when the *Proctors* of the *Clergy* not *coming*, neither were they ſummon'd to *Parliament*. See the *Appendix.*

Such then is the Caſe of our Preſent *Convocation:* But now, beſides theſe *Provincial Synods*, there is another ſort of more *ſelect Conventions*, if not firſt *introduced*, yet more eſpecially made uſe of, in this laſt *Period:* And they conſiſt of ſuch Certain *Biſhops*, and *Clergy-men*, as the *King* thinks fit to Chooſe, and by his *Commiſſion* to Authorize, to meet together, at ſuch *time*, and in ſuch *place* as he therein preſcribes to them. To theſe he propoſes, whatſoever it be, that he would have them to conſult about; and having ſo done, they are to lay the Reſult of their Opinions, according to his *Direction*, before Him. §. 67.

That by ſuch *Synods* as theſe, the *Reformation* was eſpecially carried on, is not See the *Appendix.*

to

to be deny'd. They have often determined the greateſt Matters: And, upon their *Advice*, the *Government* has accordingly proceeded, without ever conſulting any larger *Convocation* concerning them. But this was in ſome meaſure owing to the *Neceſſities* of thoſe times, in which a great part of the *Clergy* were yet engaged in the *Romiſh Errors*; Enemies to the *Reformation*, and therefore not qualified to promote ſo good a Work. At preſent their buſineſs is chiefly this; Either to Adviſe the *King* in ſuch Matters, as He do's not think it neceſſary to trouble the *Convocation* to meet about: Or elſe, in Matters of a greater Moment, to prepare what may be fit for the *King* to lay before the *Convocation*; that ſince they muſt not debate on any thing without his leave, He may thereby be the better enabled to Propoſe what is Expedient to Them.

§. 68. So that now then, if we would know, after what manner *Eccleſiaſtical Affairs* have been tranſacted, ſince the time of the *Reformation*; we ſhall find it to have been, by ſome or other, of theſe *Five* following Ways.

1. Some-

1. Sometimes the *King* has, by his *Own Authority*, ſet forth ſuch *Orders*, as He has thought fit ſhould be Obſerved by the *Clergy* of the *Realm*; and directed them to his *Archbiſhops*, and *Biſhops*, for that End. Such was the *Letter* of his Preſent *Majeſty* to the *Biſhop* of *London*, (as to *matters* of *practiſe*) of *Febr.* 13. $16\frac{88}{89}$: to be communicated to the two *Provinces* of *Canterbury* and *York*. And ſuch were his *Injunctions* (with reſpect to *matters* of *Faith*) by which He lately determined, with what ſobriety They ſhould *Write*, and *Preach*, concerning the Doctrine of the *Trinity*: To reduce ſome of our late Controvertiſts, to the ancient *Modes* of ſpeaking; and not ſuffer them to *affect new Terms*, to the *hazard* of the *ancient Faith*; and to the *ſcandal* of *many* of the ſame *profeſſion* with Themſelves.

2. Another Method of determining *Eccleſiaſtical Matters*, has been, by the *Authority* of the *King* and *Parliament*, without the help of any Other *Eccleſiaſtical deliberation*, than what the *Archbiſhops*, and *Biſhops*, in the Upper Houſe, have given to them. Many are the *Acts* of this Nature which have paſs'd, I do not ſay ſince the *Reformation*, but even within

within our *Own Memories*. Such were, (for example) The *Acts* againſt *Conventicles*, in the 16th, and 22d of *King Charles* the *Second*. The two *Teſt-Acts*; in His 25th and 30th Years: In a word; The *Act* of *Toleration*, in the firſt of his *Preſent Majeſty*; not to mention any *Others* of an *Elder date*.

3dly. A third way, now made uſe of, in tranſacting *Eccleſiaſtical Matters*, is, to do it by ſuch Select *Committees*, as thoſe I before mentioned. When the *King*, having firſt appointed a certain Number of *Biſhops* and *Clergy-men*, to conſider what may be fit to be Order'd in ſuch Caſes, as He thinks fit to Referr to Them; afterwards ſets forth, by his *Royal Authority*, what has, by their Advice, been Recommended to Him. After this manner was the *Reformation*, in great meaſure, carried on; and the moſt important Affairs of the *Church* diſpatch'd: As by the ſhort *Collection*, Here referr'd to, may more fully be diſcerned.

See the *Appendix*: Num. VII.

4thly. A fourth Way there is, which our *Princes* have often taken, in theſe Caſes; and that is, to Referr not to a *Particular Committee*, but to their *Two Convocations*, what they would have done: And having ſeen, and approved their Conclu-

Concluſions, to give their *Royal Aſſent*, and *Authority*, thereunto. Upon this foundation ſtand our *Book* of *Canons*, drawn up by the *Convocation* of 1603, and *Ratified*, and *Confirm'd*, by *King James* the Firſt: And after the ſame manner were thoſe drawn up, which gave ſo much Offence in our *late times*; and were *Authorized* by *King Charles* the *Firſt*: Anno 1640.

But, above all; as the moſt *ſolemn*, ſo the moſt undoubtedly *authoritative* way, of tranſacting ſuch Matters as theſe, is,

5thly. When the *King* deſigning any *Conſtitution* of a more than *ordinary Concern* to the *Church*, or *Realm*; do's, for the more *prudent* Eſtabliſhment of it, firſt, by a *ſelect Committee*, prepare what he thinks needfull to propoſe to the *Convocation* concerning it; Then has it *Examined*, and *Concluded* there: And having Re-view'd it with his *Privy Council*, and his learned *Council* in the *Law*; finally referrs it to his Two *Houſes* of *Parliament*: Where being alſo conſented to, and *approved* of, He finally himſelf ſubſcribes to it, and makes it a part of the *Statute-Law* of the *Realm*. Thus has our *Common-Prayer*, from time to time, been ſetled: Our *Epiſcopal Government*,

vernment, and *Ordinals*, been *Confirm'd*; and, finally, our *Nine and Thirty Articles* been *Eſtabliſh'd*.

§. 69. But as the choice of theſe ſeveral *Methods* of carrying on ſuch *Affairs*, Requires much *Prudence* in the determination; ſo has our *Law* intirely ſubmitted it to the *Prince*'s Authority. And we ought not to doubt, but that He will Act in theſe Matters, with all that Care, and Advice, which both the *Nature* of the things themſelves requires, and the Influence which they commonly have on *Civil Affairs*, oblige Him to do.

§. 70. 'Tis true, the Affection which ſome Men have for their Own Ways, may prompt them to think that worthy the meeting of a *Convocation*, which the *King* may be perſwaded his *Own Injunctions*, are abundantly ſufficient to provide for. But as *All Men* muſt allow, that it would not only be *grievous*, but *fooliſh*, to aſſemble a *Synod*, for the doing of that, which may as effectually be done without it; ſo all *Reaſonable Men* muſt think it very juſt, and equitable, that his *Majeſty* ſhould be left to that liberty, which both the *Law* has intruſted

intruſted him with, and his own *Reaſon* (were there nothing elſe) vindicates to him; I mean, of *conſidering* what He thinks, in ſuch Caſes, to be moſt fitting to be done, and to *act* accordingly. If by this means he ſhould chance to be miſtaken in his Choice, 'tis a *Humane Infirmity*; and what Good Men will Eaſily make an Allowance for, in a *ſtation* where ſo much is to be *done*, and it is ſo *difficult*, oftentimes, to judge what is beſt. And let the *poſitive*, *cenſorious* part of the World, if for nothing elſe, yet, at leaſt, for their Own ſakes, conſider this; That a *Kingdom* is a large Place; and that 'tis not impoſſible, but that among ſuch *Numbers* of *Men*, as there are in it, ſome may be as firmly perſuaded the *Prince* is in the *Right*, as they can preſume that He is in the *Wrong*.

CHAP. V.

The Opinion advanced in the late Letter to a Convocation-Man, *Stated: And the* Arguments *Examined, by which the* Author *of it pretends to prove,* 1. *That the* Convocation *has a* Right *to* Meet, *whenever the* Parliament *do's: And,* 2. *That being met, it Has alſo a* Right *to* Act, *without any* Licence *from the* King, *to Empower it ſo to do.*

§. 1. HAving now very fully, and, I think, very clearly Eſtabliſh'd, the undoubted *Right* of our *Kings*, in the matter before us; I proceed, according to my *Method*, at firſt, laid down;

III^dly. To Examine, What the *Author* of the late *Letter to a Convocation-Man*, has Offer'd, to Overthrow the *Concluſions*, before Eſtabliſh'd; and to Conſider, What may fairly be *Replied* to his *Pretences.*

In

In purſuance whereof, that I may be ſure not to fix any *Opinions* upon Him, which He has not really Advanced; I will, in the firſt place, draw up the *Points* in Controverſie between us, in his *Own Words*; and ſo go on to conſider, what *Arguments* he has brought to make good his *Aſſertions*, and to juſtifie that unuſual Confidence, with which he has deliver'd them.

Our *Author* then, having firſt briefly Inſinuated, againſt all ſuch as pretend to Any *Religion* among Us; that they ought to allow the *Church* an *Inherent, Unalterable Right, to the Exerciſe of its Eccleſiaſtical Power*; That is to ſay, *To apply the Law of* God *to particular Caſes; to Explain the Doubts that may ariſe concerning it; and to deduce Conſequences from it, in things not explicitely determined already by that Law*; And this, not by Way of *Doctrine*, or *Exhortation*, but in a *judicial, authoritative Manner*; by making of *Canons*, and *Articles*; and *by enforcing Submiſſion, and Obedience to its determinations:* Proceeds, in the next place, for their ſakes, who have *No Religion at the bottom, nor any Notion of a Church, however for their Worldly Intereſt, they may pretend to*

§. 2.

Letter: pag. 20.

Letter: p. 19.

Letter: ib.

Ib. p. 20.

this, or that Party, by joyning Themſelves to its Communion; to ſhew, What the Law *of their* Country *ſays in this* Caſe; *That ſo they may be for ever ſilenced in this Queſtion;* and not dare to mutter any more, after what this New *Pythagoras* ſhall have declared to Them.

And having thus engaged our *attention*, he proceeds *Oraculouſly* to *pronounce:* KNOW *therefore*, ſays He, *that a* Con-

Letter: p. 21. vocation *is an* Eccleſiaſtical Court, *or* Aſſembly, *Eſſential to our* Conſtitution; *and Eſtabliſh'd by the* Law *of it. It is the*

Ib. p. 29. *Higheſt of all Our* Eccleſiaſtical Courts, *or* Aſſemblies: *Is called, and convened, in* Parliament-*time, by the* King's Writ, *directed to the* Archbiſhops. *It conſiſts of all the* Clergy *of both* Provinces, *either Perſonally, or Repreſentatively preſent. In the* Upper Houſe, *are the* Archbiſhops, *and* Biſhops: *In the* Lower Houſe, *or* Houſe *of* Commons ſpiritual, *are the* Deans, Arch-deacons, *One* Proctor *for Every* Chapter, *and Two for the* Clergy *of Each* Dioceſs. *This is the* Court.

Letter: p. 23. *The frequent ſitting of this* Court, *is One of the Chief* Rights *of the* Church *of* England.—*The* Church *of* England *is a*

Ib. p. 60. National Church; *and to ſuch it is certainly incident to have* National Synods,

or

or Convocations. *And in like manner to thoſe* Synods, *to have* freedom *of* Speech, *or* Debate, *about Matters proper for their Cognizance; relating to the* Being, *or* Well-being *of their Body, as a* Church.—*And if the* Church *of* England *have any* Rights, *or* Privileges; *this of* Aſſembling, Debating, *and* Conferring, *is certainly One, and the Chief of Them.* Ib. p. 62.

'Tis true, a Convocation *cannot Aſſemble without the Aſſent of the* King. *His* Writ *is neceſſary in Order to it.*—And his *Prerogative* do's Empower him, *to Prohibit the* Clergy *Aſſembling in* Synod, *without his* Summons.—*But then it is as true too, that the Aſſembling of Them is not entirely dependant on* His Will;—*nor lodged purely in the Breaſt of the* Sovereign. But it is with the *Convocation*, as it is with the *Parliament*; *The* King *is intruſted with the Formal part of Summoning and Convening it*; *but ſo, that by the very* Eſſence *and* Conſtitution *of our* Church, *a* Convocation *ought, at certain times, to* Meet, Sit, *and* Act; *and the Fundamentals of our* Government *ſhew Him, When, and How his Power* (in this Reſpect) *is to be Exerciſed; and that it ought not to be at his* free Will *and* Pleaſure. Letter: p. 30. Ib. p. 45. Ib. pag. 21, 27. Letter: p. 33, 34.

To Grant therefore, that the *King*'s *Writ* is neceſſary to the *Aſſembling* of the *Convocation*: *The Queſtion is, Whether that* Writ *ought not to Iſſue, whenſoever a Summons goes out for a* Parliament? *And to this we ſay, That the* Law *of the* Realm *hath directed the* King, *or at leaſt His* Chancellour, Keeper, *or Other* Miniſter, *having the Cuſtody of the* Great Seal; *to Iſſue forth ſuch* Writs; *and they can no more be Omitted, than any Single* Peer's *Summons to* Parliament.

Letter: p. 30.

Ib. p. 35, 38.

Letter: p. 40.

Thus far our Way is plain, and clear: But ſuppoſing all this, the Queſtion ſtill is, Whether or no the Convocation *may* conferr, *after their* Summons, *and* Meeting, *without the* King's *Special* Licenſe *and* Aſſent? *In anſwer to which, I muſt acknowledge, that the* Common, Received Opinion, *is in the* Negative: *However if what has been offer'd already, with regard to their* Convening, *have any weight in it; it muſt hold alſo, in ſome degree, with reſpect to their* Conferring, *and* Treating, *when met, about Matters proper to their Cognizance.*

If they are a Court, *and have their* Juriſdiction; *and are a* Legiſlature, *and have the Power of making* Eccleſiaſtical Laws (*both which they certainly* are, *and* have;)

have;) then the liberty *of* Conferring, *and* Diſcuſſing, *is neceſſary to their very Exiſtence*, &c.

This is the Summ of what this *Author* has aſſerted, as to the *point* in Queſtion; and, for the moſt part, is expreſs'd in his Own Words. Let us now ſee, Wherein we differ from One another; And reduce the matter in debate between Us, to as narrow a Compaſs, as we can. §. 3.

And, 1ſt. Tho' I will not enter upon a New Subject, yet I muſt needs ſay, I am by no means ſatisfied, that the *Church* has either *Command*, or *Authority* from *God*, to *aſſemble Synods*; or, by Conſequence, any *inherent*, and *unalterable Right*, to make any ſuch *authoritative Definitions*, as He ſuppoſes, in Them. I am not Aware, that either in the *Old*, or *New Teſtament*, there is ſo much as One ſingle direction given for its ſo doing. And, excepting the ſingular Inſtance which we have *Acts* XVth, I know of no *Example*, that can, with any ſhew of Reaſon, be offer'd, of ſuch a Meeting: And whether that were ſuch a *Synod*, as we are now ſpeaking of, may very juſtly be doubted. The foundation of *Synods*, in the *Church*, is (in my Apprehenſion) the ſame, as of *Councils* in

the *State*. The *neceſſities* of the *Church*, when it began to be enlarged, firſt brought in the *One*; as Thoſe of the *Common-wealth*, did the *Other*. And therefore, when Men are Incorporated into *Societies*, as well for the *ſervice* of *God*, and the *ſalvation* of their *Souls*, as for their *Civil peace*, and *ſecurity*; theſe *Aſſemblies* are to be as much ſubject to the *Laws* of the *Society*, and to be regulated by Them, as any Other *publick Aſſemblies*, of what kind ſoever, are. Nor has the *Church* any *Inherent*, *divine Right*, to ſet it at liberty, from being Concluded by ſuch *Rules*, as the *Governing part* of every *Society* ſhall preſcribe to it, as to this Matter.

This is my Notion of theſe things; and thus, I conceive, *Synods* are to be managed in *Chriſtian States*. As for thoſe *Realms* in which the *Civil Power* is of *another Perſuaſion*; natural Reaſon will prompt the Members of every *Church*, to conſult together, the beſt they can, how to manage the affairs of it; and to Agree upon ſuch *Rules*, and *Methods*, as ſhall ſeem moſt proper, to preſerve the *Peace* and *Unity* of the *Church*; and to give the leaſt *offence*, that may be, to the Government under which they live. And what

what *Rules* are by the *Common-conſent* of Every ſuch *Church* agreed to; ought to be the meaſure for the *aſſembling*, and *acting* of *Synods*, in ſuch a *Country*. Whether this *notion* will pleaſe this *Author*, or no, I cannot tell: If it do's not, I hope he will ſhew me wherein my *Error* lies, and how I may correct it. In the mean time, this ſecurity I have, that, if I am miſtaken, I err with Men of as great a Judgment, and as comprehenſive a Knowledge in theſe Matters, as Any can be who differ from Me.

§. 4. But to come to that which I am now more properly to examine: That the *two Convocations*, conſider'd as a *National Synod*, are the *Higheſt Eccleſiaſtical Aſſembly* of this *Kingdom*, I readily Agree: Nor ſhall I deny, but that a *Convocation* may be ſaid to be *Eſſential* to our *Conſtitution*. But that the *frequent ſitting* of *Convocations*, as underſtood by this *Author*, and meant of their *ſitting* as *often* as the *Parliament* meets; is therefore One of the *chief Rights* of the *Church*, or, indeed, any of its *Rights* at all, unleſs by Accident, I utterly deny. When the *Exigencies* of the *Church* call for a *Convocation*, and there is a manifeſt *need* of its *Aſſembling*; then, I do confeſs, the *Church*

Church has a *right* to its ſitting. And if its Circumſtances be ſuch, as to Require their *frequent ſitting*; during thoſe Circumſtances, it has a Right to their *frequent meeting*, and *ſitting*. And, if the *Prince* be ſenſible of this, and yet will not ſuffer his *Clergy* to *come together*; in that Caſe, I do acknowledge, that he would *abuſe* the *truſt* that is lodg'd in him; and deny the *Church* a benefit, which, of *right*, it ought to enjoy. But as, in a Well-eſtabliſh'd *Church*, it can hardly be ſuppoſed that there ſhould be ſuch a *frequent need* of *Convocations*; ſo to Oblige the *Clergy frequently* to *come together*, when there is no manner of Reaſon for their ſo doing; would be, in truth, to injure the *Church*, and *oppreſs* its *Miniſters*: In-as much as it would require them to *leave* their *Cures*, and be at the *trouble*, and *charge*, of attending the *Convocation*, without doing any manner of Good, either to the *Church*, or *Realm*, by ſuch their meeting.

And therefore, to ſettle this firſt Point; the ſumm of it is this: That the *Church* has a Right to have its *Convocation* call'd, as often as the *Parliament* is Aſſembled, I agree: That the *Convocation*, thus called, has a *Right* to *ſit*, and *act*; whenever the

the Circumſtances of the *Church*, require it ſo to do, I allow alſo. But that the *Convocation* ought of Right, not only to be *ſummon'd*, but to *meet*, and do *buſineſs*, as often as the *Parliament* ſits; whether there be any need for ſuch its *meeting*, or no, This I utterly deny: And I am perſuaded it would be a *Burden* to the *Clergy*, rather than a *Privilege*, to oblige them to ſuch an Attendance.

This, then, is the firſt Thing wherein we differ; *viz.* That He affirms, that the *Convocation* ought, of Right, not only to be *ſummon'd*, whenever the *Parliament* meets, but *Regularly*, and of *Courſe*, to *ſit*, and *act* too; tho' there ſhould not be any the leaſt Occaſion for its ſo doing.

The next *Queſtion* is, Whether, being met, they may proceed to any *Synodical Acts*, without the *King*'s ſpecial *Licenſe*, firſt had, to Authorize them ſo to do? §. 5.

And here our *Author* tells us, That *if the Convocation be a Court, and have a certain Juriſdiction belonging to it: Or if it be a Legiſlature, and have the Power of making Eccleſiaſtical Laws, as it certainly both is, and has; then the liberty of Conferring, and Diſcuſſing, is neceſſary to its very Exiſtence.* Which laſt *Expreſſion*, tho' it be hard to make any *good ſenſe* of; yet Letter: p. 40.

I readily

I readily Agree to what I take to be his meaning in it. For certainly *Juſtice* will be but lamely executed, and *Laws* be very unaccountably made; if thoſe who are to *judge*, and *determine*, have not the *liberty* of *conferring*, and *diſcuſſing Matters*, in Order thereunto.

But tho', when the *Convocation* therefore is to *judge*, or *make Laws*, They muſt, undoubtedly, be allow'd to *Conferr*, and *Diſcuſs*; yet may not the *Clergy* be reſtrain'd, by certain Limitations, from either *judging*, or *making Laws*, except when the *Government* ſhall think fit to permit them ſo to do? And if former *Abuſes* have made it neceſſary for the *Government*, to put them under ſuch a *Reſtriction*; and the *Clergy* have, themſelves, conſented to it; and thought that, (all things conſider'd,) it would be ſafer for them to *Act* by the *King*'s *direction*, that at the *Motion* of every Warm, Unthinking *Member* of their Own *Body*; who ſhould throw a ſnare in their way, and run them into ſuch Inconveniences, as they ſhould not be able eaſily to get out of; As, in ſuch a Caſe, they would have no *liberty* to *judge*, or *make Laws*, without *Licenſe*; ſo, neither *would they* have any *need* to *conferr*, or *diſcuſs*, where They

They had no *power* to *conclude* any thing.

Now this I affirm to be Our Caſe; and, I muſt freely own, I take it to be our Happineſs that it is ſo. It being more than probable, that had not the *Prince* had this Tie upon Us; we ſhould, before this time, have run our ſelves into yet worſer *diviſions* than we now labour under; and, in all appearance, have expoſed both *Our ſelves*, and the *Church*, for a prey, to the *Common Enemy* of *Both*.

So that now then, to *ſtate* this Other *point* aright, The *Queſtion* between us, is this: Whether the *Laws*, and *Cuſtoms*, of this *Realm*, have not Reſtrain'd the *Clergy* from entring on any *Synodical Debates*, in Order to the making of any *Canons*, or *Conſtitutions*, without the ſpecial *Licenſe* of the *King*, firſt had, to Warrant them ſo to do?

That the *King* ought never to require the *Convocation* to meet, (more than out of form, in *Parliament*-time;) but when He has ſome *Buſineſs* for it to do, is on all hands agreed. That when they do meet, They ought to have a *Commiſſion* ſent to them, to empower them to go to work, and not ſit idly gazing at one another, is alſo allow'd. That, laſtly, upon thoſe *Points*, which they are empowred

to

to handle, they ought to have a full liberty of *Conferring*, *Diſcuſſing*, and *Arguing*; That they ought to be left to ſpeak with all Reaſonable *Freedom*, and not be either *check'd* in the *Houſe*, or *call'd* to any *Account out of it*, for any thing that was ſaid in purſuance of theſe Ends; is readily granted. The only difficulty is, Whether the *Convocation* being Met, the *Clergy* ought not to Confine their Debates to the ſubject which the *King* propoſes to them; and not wander upon any other Matters, which ſhall chance to be ſtarted, by any of their own *Members*, and proceed to *determine Synodically* concerning Them?

§. 6. Having thus reduced the *ſubject*, in *debate*, to its proper bounds; I ſhall now proceed, with all due exactneſs, to put together the *Arguments* which He has brought, in proof of thoſe Points, wherein we differ; and to conſider what may be reaſonably Replied to Them.

And, 1ſt. That the *Convocation* has a *Right*, not only to be *formally ſummon'd*, but to *ſit*, and *act* too, as often as the *Parliament* meets; He endeavours to prove by theſe following *Arguments*.

(1ſt.) From

(1ſt.) From the *Parallel*, which there ſeems to be, between the *Parliament*, and the *Convocation*. *Each conſiſts of two Houſes, and theſe have* (or *ſhould have*) *their ſeveral Prolocutors. The One of theſe Courts is of the ſame Power, and Uſe, with Regard to the Church, that the Other is in Reſpect of the State. Nay, tho' they have different Names, and the Word* Parliament *be appropriated to ſignifie a Temporal Legiſlature; yet anciently the ſame Appellation belong'd to them both. A* Witena-Gemote, *ſignified what We call a* Parliament; *and, a* Church Gemote, *what We call a* Convocation. And therefore, One would think, that whenever the *Convocation* is called, *They ſhould not only meet Formally, but ſit, and act, as the* Parliament *do; that there ſhould be a* Seſſion *of* Convocation, *as well as a* Seſſion *of* Parliament.—— §. 7. Letter: p. 30. Ib. p. 44.

Now not to be too curious in examining the *Parallel*, here offered, betwixt theſe two; and which were it as exact, as, I am confident, it is not; would yet no more prove their *Privileges* to be *Equal*, than the Likeneſs of two *Corporations*, in having a *Mayor*, *Aldermen*, and *Common-Council*, would prove, that therefore, in deſpight of their ſeveral *Charters*,

Charters, they muſt have all the ſame *Privileges* alſo.

1ſt. I am not ſatisfied, that the *Convocation is of the ſame Power, with Regard to the Church; that the Parliament is, in Reſpect of the State*: Becauſe I am told, by very good *Lawyers*, that the *Convocation*, in making *Eccleſiaſtical Conſtitutions*, muſt proceed by certain *Rules*; and cannot, even with the *King*'s conſent, conclude any thing contrary to the *Laws*, or *Statutes*, or *Cuſtoms* of the *Realm*. But now the *Parliament* is not ſubject to any ſuch *limitations*: Its *Power* is *Arbitrary*, and *Uncontroulable*. And, being joyn'd with the *Royal Authority*, can *enact* what it will, for the *publick Good*; any *Law*, *Statute*, or *Cuſtom*, to the contrary, in any wiſe notwithſtanding.

25 H. 8. c. 19.

2. As for the Word *Parliament*, I ſhall not much contend with him about it. It is well known, that it was a *name* brought in by the *Normans*, and but late Received among Us, to denote thoſe Meetings of *State*, which were anciently called mẏcel ꝼẏnoꝺ, ꝼiꝺꝺena ȝemoꝺe; *Colloquium*, *Concilium*, *Synodus*, and the like. It is more extraordinary, which He tells us, that as *Wittena-Gemote* was wont to ſignifie what we call a *Parliament*;

liament; ſo *Church-Gemote* denoted what we call a *Convocation:* And for which, I am confident, He will be hard put to it, to bring us any *Author* elder than Sir *Edw. Coke*; from whom, as poor *Godolphin* firſt; ſo has he now taken it, at all Adventures. Tho', were this true, the Obſervation would amount, in plain *Engliſh*, to no more than this; That as a *Parliament* was anciently call'd *an Aſſembly* of the *Wiſe-men*, ſo was a *Convocation* call'd *an Aſſembly* of *Churchmen:* And of which, if He can make any Uſe, I ſhall not envy him the Honour of ſo weighty, and critical, a Remark. Inſtit. IV. pag. 322. *Godolph. Abr.* chap. XLI. § 4.

Were it needfull, in Return to theſe little Remarks, to mention the ſeveral *Differences* that might be aſſigned between theſe *two Aſſemblies*; I might eaſily enlarge them into many *more particulars*, and of *much greater Importance*, than Thoſe which He has alledged. To ſay nothing of the *Convocations*, being multiplied according to the number of the *Provinces* into which the *Church* is divided; and repreſenting the *Clergy*, not of the *whole Church*, but only of *One part* of it; whereas the *Parliament* is an *Aſſembly* for the *whole Realm:* The manner of *Conſulting*, *Reſolving*, and *Acting*, is very different, in the *One*, and in the *Other*. The *Authority* of the *Archbiſhop*, is much *other* in the *Con-*

vocation, than the *Lord-Keepers* is in the *Parliament*. But eſpecially, the *Power* of the *Parliament* in making *Laws*, free and unbounded; whereas the *Convocation* is, by *Authority* of *Parliament*, determined both in its *Principle*, and *Power*, of *Acting*: And can neither *Debate* effectually, nor *Reſolve*, to any purpoſe, of any thing, but what is Agreeable to the *Laws* of the *Realm*; and, is no wiſe *prejudicial* to the *Civil intereſts* of any.

But, to allow of the ſuppoſed *Parallel*, between the *Parliament*, and *Convocation*; What will this *Gentleman* inferr from it? Not, I hope, that the *One* ſhould therefore *ſit*, and *act*, whenever the *Other* do's. A *Father*, for example, has two *Sons*: They are both his *Children*; both of the ſame *Sex*; both Equally *Related* to Him; perhaps, and both Equally *Beloved* by Him. But will this *Author* from thence conclude, That they have an *Equal Right* to his *Eſtate*, and ought Equally to *ſucceed* in it? This would be a very Agreeable concluſion, to many, I make no doubt; but, I am afraid, will hardly be allow'd, by the *Elder Brothers*, to be a *Juſt One*. 'Tis true, a *Father*, in this Caſe, may poſſibly have left them *Portions* alike; and have made them as *equal* in their *Fortunes*, as they were in their *Relation* to him. And ſo, perhaps,

Our

Our *Conſtitution* may have made the *Parliament*, and the *Convocation*. But whether the *Father* has done this, muſt be proved from the *ſettlement* of his *Eſtate*; and not from any ſuppoſed Equality of *Right* in his *Sons* to his *Affection*. And whether Our *Conſtitution* has given theſe *Aſſemblies* an Equal right, *to meet*, *ſit*, and *act*; muſt be determined by the *Laws*, and *Cuſtoms* of the *Realm*, and not be collected from imaginary *Parallels*, and wild *Inferences*; which have neither any *Law*, and but very little *Senſe* in Them.

3. As for thoſe *State Maxims*, which he has finally added to ſupport this *Argument*; it will then be proper to give a Reply to them, when this *Author* ſhall have ſhewn us that there is any thing in them to be Replied to. In the mean time I muſt obſerve, that whether we conſider the *Nature*, or *End*, of the *Parliament*; the *Neceſſities* of the *Civil Affairs*; or the Intereſt which Both the *Prince*, and *People*, may have. in the *Aſſembling* of it; there muſt, in all probability, be always a much greater need of *Frequent Parliaments*, for the benefit of the *State*; than of *Frequent Convocations*, for the Welfare of the *Church*. §. 8.

When a *National Church* is once thoroughly *Eſtabliſh'd*, and neither needs any farther *Laws* to be made for the enforcing

of its *Diſcipline*; or any new *Confeſſions* to be framed, for the ſecurity of its *Doctrine*: When its *Liturgy*, and other *Offices*, are fix'd, and ſtated; and there is ſo far from being any need of *altering*, or improving any of theſe, that it is thought a Crime but even to ſuppoſe that it is poſſible to *improve* them; or to make any *Alterations*, but for the Worſe, in them: I cannot imagine, untill ſomething ariſes to unſettle ſuch a *Conſtitution*, what a *Convocation* could have to meet about.

But this is not the Caſe of the *Civil State*; which is, God knows, ſubject to many more *changes* than the *Eccleſiaſtical*; and will oftner want to have *publick Remedies* applied, for the *redreſs*, or *prevention*, of its *publick Evils*. Perhaps a *Prince* ariſes who affects an *Arbitrary ſway*; and his *Miniſters* joyn in the ſame *deſigns* with him; and nothing leſs than the *Authority* of a *Parliament*, can put a ſtop to their Attempts. This therefore may make it neceſſary, in times of Peace, and Quietneſs, for the *Parliament* to meet at certain times, to prevent ſuch *attempts*; and to keep every Member, of the *Conſtitution*, within its due bounds: And ſuch was the Caſe of the *laſt Reign*.

It may be the *Common-wealth* is aſſaulted by its *Enemies* from abroad; and thoſe *Enemies*

mies are countenanced by a factious, diſcontented Party at home; and it is neceſſary for the *Parliament* to meet, and to raiſe Supplies, for the Defence of the *Realm*, againſt the *One*; and to make ſome new *Laws* for the *ſuppreſſion*, or *diſcovery*, of the *Others*: And this has been the *Caſe* of the *preſent Government*.

But now what Effect have all theſe *Civil Exigencies* had upon the Affairs of the *Church*: Unleſs it be, that an *Act* of *Toleration* has been made, which our *Author* profeſſes He envies not to the *Diſſenters*; or, if He did, I hope He would not have the *Convocation* pretend to *Repeal* it. In ſhort, all he can alledge are certain *diſorders*, which either there is a ſufficient *proviſion* already made againſt; Or, if there be not, I doubt the *Convocation* will hardly be able to do any thing farther, for the more effectual Redreſs of Them.

But however, this I ſhall have Occaſion more particularly to conſider, when I come to examine, what He has ſaid, to prove the *neceſſity*, which He pretends, there is, for the *fitting* of a *Convocation*. And I muſt not anticipate here, what will more properly, as well as more fully, be handled there. So little is there, in his firſt *Argument*, which he has brought to prove, that the *Convocation* has a *Right* to *ſit*, as often

as the *Parliament* meets; and has been *unwarrantably* deny'd, by the *Government*, ſo to do. Let us ſee, whether his next *proof* be any better.

Letter: p. 22.

§. 9. Letter: p. 34. Now that (2dly) is no leſs than an *Act* of *Parliament*, 8 *Hen.* VI. ch. 1. The ſubſtance of which *Statute* is this: "That "the *Clergy*, who are called, by the *King*'s "*Writ*, to *Convocation*, ſhall fully Uſe, and "Enjoy, ſuch *Liberty*, and *Defence*, in "Coming, Tarrying, and Returning, as "the *Great Men*, and *Commonalty* of *Eng-*"*land*, called, or to be called, to the *King*'s "*Parliament*, do Enjoy, and were wont to "Enjoy, or in time to come, ought to Enjoy.

Well, be this ſo: But is there any thing in this *Statute* which ſays, that the *Clergy* ſhall come to the *Convocation*, when ever the *Great Men*, and *Commonalty* of *England*, do to the *Parliament*? That is not pretended. But what is there then in this *Act*, to the purpoſe of our preſent Enquiry? Why, in the Preamble to it, 'tis ſaid, that "The *Clergy* Coming to *Convocation*, were "*often-times*, and *commonly*, moleſted: From whence our *Author*, admirably concludes, That, therefore, they did *often-times*, and *commonly*, in thoſe days, meet in *Convocations*.

That this can reaſonably be inferr'd from thoſe *words*, I am, by no means, ſatisfied; which

which only ſignifie, that when the *Clergy* went to *Convocation*, they were very often *moleſted*, by *Arreſts*, &c. but do's not at all imply, that the *Convocation* uſed *often* to *meet*. However, let this be Granted: In *Henry* the *Sixth*'s time the *Convocation often met*, therefore it *met* whenever the *Parliament* ſate. How do's that appear? Nay, but we muſt go farther; Therefore, of *right*, *it ought to meet now*, whenever the *Parliament* do's? Nay, but this will not yet do: Therefore, *it ought not only formally* to *meet*, but to *ſit*, and *act* too, *as often as the Parliament* aſſembles. This, our *Author* muſt mean, or He alledges this *act* to no purpoſe: And he who can draw this *Conſequence*, from that *Act*, muſt be a mighty Man of *Reaſon* indeed; and too unequal a Match, for Men of ordinary Skill in *Logick* to deal with.

And yet, after all, this I confeſs is true: The *Convocation*, in thoſe days, did *ſit*, and *act* too, for the moſt part, as often as the *Parliament* met. For the *Clergy*, in thoſe days, *aſſeſſed* Themſelves; and without their *ſitting*, either as a *Member* of the *Parliament*, (which heretofore they were;) Or in a *Provincial Synod*, which commonly met with the *Parliament*; the *King* could have no *ſupply* from the *Church*. But as for *Eccleſiaſtical buſineſs*, for ought

I can find, they did as little with their Often-meeting then, as they do with their Seldom-meeting now. And were this the Caſe of the *Convocation* ſtill; were the *buſineſs* of its *aſſembling, principally*, if not *only*, to *give Money* to the *Government*; I believe, inſtead of this *Vindication* of its *Right* to *ſit*, we ſhould rather have ſeen a Complaint againſt the charge and trouble of it: At leaſt, I am pretty confident, neither this *Gentleman*, nor his *Convocation*-Friend, would have been much concern'd for their *Meeting*; or have been at all ſcandalized at thoſe *unwarrantable Adjournmen's*, they have now ſo tender a ſenſe of.

§. 10. Letter: p. 36. But (3dly) "The *Convocation*, ſays this "*Author*, is an *Eccleſiaſtical Court*. To it "belongs the *puniſhment* of *Hereſies:* And, "*in ancient times, it was frequently, and of* "*neceſſity, uſed for that End; for without* "*it there could be no puniſhment of Hereſie.* Since the 25th of *Hen* VIII. this is, in good meaſure, again the Caſe: "And, *it cannot* "*reaſonably be ſuppoſed to be in the King's* "*abſolute Will, whether it ſhall exerciſe* "*this Juriſdiction, or not.*

This is his next *Argument*; and ſhould we intirely allow of it, it would only prove that the *King* ought to permit Them to *meet*, and *act*, whenever any *Hereticks* were to be *convicted* by Them: But would by

by no means ſhew, either that they have a *right*, even in ſuch a Caſe, to meet, without the *King*'s leave; Or that the *King* ought, of *Right*, to let them *ſit*, when there is *no ſuch need* of it.

But indeed, if my Lord *Coke* be in the right, there is a manifeſt miſtake in the very foundation of this *Argument*. For the *Biſhop* of the *Dioceſs* had always Power to *convict* of *Hereſie*; and to proceed, by *Eccleſiaſtical Cenſures*, againſt *Hereticks*. All that he was defective in, was, that He had no power to *Impriſon*; and, for want of that, could not proceed, often-times, to any purpoſe againſt them. This Power, therefore, was given to the *Biſhop* by the 2d of *Hen.* IV. And tho' now the *Civil Penalty*, that was wont to be inflicted upon *Hereticks*, be taken away; yet has it been reſolved, that the *Biſhop* may ſtill proceed by *Eccleſiaſtical Cenſures* againſt Them. Whether this be ſo or not, I ſhall leave it to this *Gentleman* to enquire; who, poſſibly, may be better acquainted with ſuch matters than I am: But, if it be, then 'tis manifeſt there can be no need of the *Convocations* meeting to do that, which may be as well done by the *Biſhops* without it.

3 Inſtit. 8. chap. V. pag. 39.

Coke, ib.

And theſe are only ſome leſſer *Arguments* with which our *Author* deſign'd to skirmiſh, before we came to his main battle.

§. 11.

But

But now we are to begin to look to our ſelves: For (4thly) His next Proof is taken from no leſs a Topick than the *Parliamentary-Writ*; and, in his Own Opinion,

Letter: p. 38. *Is an Argument of Invincible Strength, to Eſtabliſh the Neceſſity of Convocations meeting, as often as Parliaments.*

In anſwer whereunto, I do readily agree, that when the *Præmonition* to the *Biſhop*, to Summon his *Clergy* to *Parliament*, was firſt put into that *Writ*; the *Clergy* thereby *ſummon'd*, had as much right to meet, by Vertue of it, as the *Biſhop* himſelf had. And it is accordingly, by Our beſt *Antiquaries*, acknowledged; that, in Ancient times, the *Inferior Clergy*, were a *Member* of the *Great Council* of the *Nation*, as well as the *Biſhops* and *Abbots*. But then this is a *Convocation* that, for many years paſt, has had no Exiſtence. And the *Convocation*, of which we are now diſputing, is quite another thing: Is *ſummon'd* by *another kind* of *Writ*; and *conſiſted* of *another ſort* of *Perſons*; As by comparing the ancient *Writs* of *both*, may evidently be diſcern'd. So that this *invincible Argument*, has one terrible *defect* in it; that, whether it could otherwiſe be anſwer'd or not, yet 'tis evidently nothing at all to the purpoſe.

Append. Numb. II, III.

§. 12. But here, our *Author* objects againſt himſelf: That, once upon a time, the *Archbiſhop*

biſhop call'd a *Synod* by his *Own Authority*, without the *King*'s *Licenſe*; and was thereupon prohibited by *Fitz-herbert*, *Lord Chief Juſtice*; but the *Archbiſhop* regarded not his *Prohibition*. Letter: p. 38.

What this is to his purpoſe, I cannot tell; nor do I ſee wherefore he brought it in, unleſs it were to blame *Rolls* for quoting *Speed* for it. And therefore, in behalf of Both, I ſhall take the liberty to ſay thus much, That I know not what harm it is for a Man in his Own *private Collections*, (for ſuch *Rolls*'s *Abridgment* was, tho' afterwards thought worthy of a publick View:) to note a memorable paſſage of *Hiſtory*, and make a *Remark* of his *Own* upon it; Out of one of the moſt *faithfull*, and *judicious*, of all our Modern *Hiſtorians*. Lett. ib. See Sir *M. Hale*'s Pref.

I have before taken notice of this paſſage, and that not from *Speed*, but from *Roger Hoveden*, from whom, I ſuppoſe, *Speed* may alſo have taken the Relation. I ſhall therefore only beg leave to ſet this *Gentleman* (to whom all our *Hiſtorians* are, I doubt, equally unknown) right, in two particulars; by telling him, that neither was *Fitz-herbert* the Man who *prohibited* the *Archbiſhop*, nor was he *Chief Juſtice*, when he did it. His Name was *Geoffrey Fitz-Peter*: He was Earl of *Eſſex*, and a very Eminent Man in thoſe days: And his Place *Hoved.* fol. 457. b.

was

was much greater than this *Author* repre-
Mat. Paris. pag. 193. ſents it; even *Lord Juſtice* of *England*; which he was firſt made by King *Richard*, Anno 1198. And held, in the *King*'s ab-
Ib. p. 243. ſence, to his death, Anno 1213: In which year K. *John*, going over into *France*, con-
Pat. 15. Joh. m. 3, 4. ſtituted *Peter*, Biſhop of *Wincheſter*, Lord *Juſtice* in his Place.

§. 13. Letter: p. 39. And now we are come to a low Ebb indeed; the deſcription of the *Convocation*, as it ſtands in our *Law-Dictionaries*; and that too, like all the reſt, nothing to the purpoſe. The *Convocation* is, by them, deſcribed to be a meeting of the *Clergy* in *Parliament-time*: And ſome there were in the *Long Parliament* of 1641, who thought it could not lawfully be held, but while the *Parliament* ſate. Well, what follows? Why, therefore the *Convocation* has a *Right* to *ſit*, and *act*, as often as the *Parliament* meets. For a cloſe *Reaſoner*, let this *Author* alone. In the mean time, I have before
Appendix, numb. VI. ſhewn, that tho' the *Convocation* be Summon'd together with the *Parliament*, yet it may *ſit*, when the *Parliament* do's not: And we are like to have a hopefull time of it, to anſwer ſuch proofs; where there is neither *Law* in the *Antecedent*, nor *Reaſon* in the *Conſequence*.

§. 14. Theſe then are the *Arguments* which this *Author* has offer'd to eſtabliſh his *firſt aſſertion*;

ſertion; namely, That the *Convocation* has a Right to *ſit*, and *act*; not only upon all ſuch Occaſions, as the Neceſſities of the *Church*, or *Realm*, require it ſhould; but generally, and without regard to any thing there is for them to do, as *often* as the *Parliament* is *Aſſembled*. I proceed,

II^dly. To conſider, What he has alledged for his Other *Poſition*; *Viz.* That, being *met*, they have no need of any *Licenſe* from the *King* to empower th m to *act*: but may *conferr*, *debate*, and *make Canons*, and do any other *Synodical buſineſs*, which they think fit, by their *Own Authority*: And that either no *Commiſſion* at all is needfull, to enable them to do this; or that if there be, it ought of Courſe, to be granted to Them.

In order whereunto, I muſt, in the firſt place, obſerve, that thoſe who affirm that the *King*'s *Licenſe* is neceſſary to warrant the *Convocation* to *act*, do not found their Opinion either upon the *Power* he has to *aſſemble* it; or upon the *Form* of the *Writ*, by which he *Summons* Them: tho' that do's plainly ſeem to imply, that ſome ſuch *Commiſſion* is to be expected from him. But either, firſt, in General; Upon that *ſupreme Authority*, which Every *Chriſtian Prince*, Letter: p. 41, 42.

See the Commiſſion of King *Charles* I. Append. Numb. V.

Prince, as ſuch, has, in *Eccleſiaſtical Matters*; And by vertue whereof, whenever they have admitted their *Clergy* to meet in *Synods*, they have ſtill preſcribed to them the *Rules*, by which they were to proceed in Them: Or elſe, 2dly, In Particular; Upon the *Statute* of the 25 *Hen.* VIII. which has expreſsly declared this *Power* to belong to the *King*; and *forbidden* the *Clergy* to preſume to *act*, Otherwiſe, than in ſubordination thereunto.

§. 15. But againſt this our *Author* excepts: Letter: p. 40. For (firſt) If the Caſe be ſo; Then is the *Convocation an Aſſembly to little or no purpoſe whatſoever.*—*If their Tongues be entirely at the King's Will, 'tis improper to give their Reſolutions any Title, but the King's Rules, and Ordinances. They are to all intents and purpoſes His, upon whoſe Will not only their Meeting, but their very Debating depends.* Ib. p. 41.

In anſwer whereunto, I reply, Firſt: That either there is really no Inconvenience in all this; Or if there be, it follows not from what I am now aſſerting. For certain it is, that this was the Caſe of the moſt *General*, and *famous Councils*, that were ever held in the *Church*: And which were not only *call'd* by the *Emperour's Authority*; but, being met, *acted* intirely according to their *preſcription*. See before ch. II. §. 23, 25.

But

But indeed, I cannot perceive, that any of thoſe hard things, this *Author* ſo much complains of, do at all follow from this ſuppoſition. For what tho' the *King* do's propoſe to them the *Subject* of their *Debates*; What they are to *conſult* about; and draw up their *Reſolutions* upon? Are They not ſtill *free* to *deliberate*, *conferr*, *reſolve*, for all that? Will not their *Reſolutions* be their Own, becauſe the *King* declared to them the *General Matter* upon which they were to *conſult*? Is a *Counſellor* at *Law* of no *uſe*; or has he no *freedom* of *Opinion*, becauſe his *Client* puts his *Caſe* to Him? Or, do's our *Law* unfitly call the Anſwer of a *Petit-Jury*, its *Verdict*, becauſe the *Judge* Summ'd up the *Evidence* to them, and *directed* them not only upon what *points*, but from what *proof*, they were to *Raiſe* it? What ſtrange *Notions* of things muſt a Man have, who argues at ſuch a Rate as this: And might, upon as good Grounds, affirm the *Parliament* its ſelf not to be free, as he has deny'd the *Convocation* to be ſo; becauſe that, in the main parts of their *Debates*, That alſo is *as much*, tho' not ſo *neceſſarily*, directed by the *King*, in what He would have them *conſult* about.

I have inſiſted the more upon this particular, becauſe it is one of the moſt popular *Arguments* he has offer'd in defence of

of his *Opinion*; tho', alas! 'tis at beſt but miſerable Harangue, to oppoſe againſt the Expreſs *Authority* of the *Law*, and the Common *Prerogative* which All *Chriſtian Princes* have, from the beginning, laid claim to, as to this Matter. But He urges farther,

§. 16. Letter: p. 46. (2dly.) *That ſuppoſing a* Licenſe *were neceſſary, yet for that very Reaſon it ought to be Granted: And it matters not much whether we ſay that a* Licenſe *ought*, ex debito Juſtitiæ, *to be Granted to empower them to deliberate; Or whether they have, of Themſelves, a Power of deliberation, without ſuch* Licenſe *expreſsly given.*

That whenever the *King* requires the *Convocation* to ſit, he ought to ſend them a *Licenſe* to *act*, is out of doubt: becauſe otherwiſe, he would either oblige them to meet to no purpoſe; or would lay a ſnare in their way, by bringing them together, and putting them upon *acting* without a *Licenſe*; which, by *Law*, they ought not to do. But that this is granted *Ex debito Juſtitiæ*, I utterly deny; becauſe in all the *Commiſſions* I have ever ſeen, 'tis particularly ſaid to be Granted by the *King*, of his *ſpecial Grace*, and *meer Motion*; which cannot with any propriety of Speech be ſaid, of what in juſtice belongs to them.

See that of King *Ch* I. Append. Numb. V.

The

The truth of the Caſe is this: The 25 of *Hen.* 8th has reſtored the *Crown* to its *Royal Authority*, as to this matter. It has put the *Power* of directing the *Convocation*, (as of *Right* it ought to be) into the *King*'s hands. They cannot *Act* without his *Licence*; and he is not Obliged, by any *Law*, to grant it to them: but may allow, or not allow them to Do buſineſs, as he thinks it will be moſt expedient for the *Churches* Welfare. That therefore the *King* do's, at any time, Grant them ſuch a *Licence*, is of his *Own Good Pleaſure*; Nor can it any Otherwiſe be accounted a *Debt* of *Juſtice*, than as he is Obliged in *Juſtice* to his People, to Do whatſoever he thinks to be for the *Publick Good*. But yet, in point of Reaſon, it muſt be confeſs'd, that the *King* either ought not to Require his *Clergy* to meet together, more than for *Form* ſake; Or that if he do's, He ought to *Commiſſion* Them to *act* too: That ſo they may neither meet to *no purpoſe*; or which is Worſe, do it to their *Own detriment*, by Acting Otherwiſe than the *Law* allows Them to do

And therefore, I do Agree, that, in a very large, improper ſenſe of the

Words, it may be ſaid that when they do *ſit*, a *Licence* ought, *ex debito Juſtitiæ*, to be Granted to them. Becauſe they ought not to *ſit*, but when their *ſitting* will be for the *Good* of the *Church*; and when that is ſo, the *King* is obliged in *Juſtice* to the *Church*, to give them *Licence to Act*. But, in this *Gentleman*'s ſenſe, I utterly deny, either that the *Convocation* has any *right* to *Meet* whenever the *Parliament* do's: Or that upon every ſuch *Formal Aſſembling*, they ought to have a *Commiſſion* ſent to them, to *Empower* them to *Act*; tho' I ſtill affirm that they are not at Liberty to *Act* without it.

§. 17. *Letter.* p. 48. As for what is here again urged (3ly) from the *Rights* of the *Parliament*; It may ſuffice to ſay, That neither do's the *Parliament* lie under the ſame *Reſtrictions* that the *Convocation* do's, nor can it, with any Conſiſtency to our *Conſtitution*, be ſuppoſed that it ſhould do ſo. The *Parliament*, Acting in Concurrence with the *King*, have the *Legiſlative Power* in their Hands. They neither are *Reſtrain'd* by any *Laws*; nor is it poſſible they ſhould be. But the *Convocation* is truly, no more than an

an *Eccleſiaſtical Council.* Its buſineſs is to *Adviſe*, and *Aſſiſt* the *King* in things pertaining to the *Church.* And tho' I know it will diſpleaſe this *Author* to be told ſo, yet I muſt again put him in mind, that the *Clergy* have no power to *make laws.* They may draw up *Canons*, and *Conſtitutions*, within the *Limits* which the *Parliament* has ſet to them; and the *King* may confirm them; And that being done, they will have a due force: But ſtill *Laws* they are not, unleſs in a very *imperfect Senſe*; the ſame in which the *Convocation* is a *Legiſlature*, and the Maſter of a *family* a *Monarch* within his *Own Houſe.*

But tho' I cannot therefore joyn with this *Author* in his *Argument*; yet I heartily concurr with him in his *Concluſion* of it: *That an* Engliſh, Chriſtian King, *is as much Obliged by the* Laws *and* Uſages, *had and accuſtomed in this* Kingdom, *in regard to the* Church; *as the* Sovereign *of* England *is, with relation to the* State. This, I ſay, is unqueſtionably true; and brings us to the true way of deciding the *Point* before us. If by the *Laws*, and *Uſages*, of this *Kingdom*, the *Convocation* has a *Right*, to *ſit*, and *act*, as this *Gentle-* *Letter.* p. 50, 51.

man affirms; let thoſe *Laws* be produced, and thoſe *Uſages* made out, and I ſubmit. But if according both to the *Laws* and *Uſages* of the *Realm*, the *Convocation* be wholly in the *King*'s hands; (As I think I have abundantly ſhew'd that it is) then let our *Author* be concluded by his *Own Rule*; and *Render unto* Cæſar *the things that are* Cæſar's; *to God, the things that are God's.*

§. 18. But our *Author* here again *objects* to himſelf; what, if he had not, I dare ſay no man living would ever have *Objected* to him; that the *Convocation* has oftentimes been *prohibited* by the *King*, to deal with any thing that concern'd his *Crown*, and *Dignity*, &c. And he thus makes his *Advantage* of it; That ſince thoſe *Prohibitions* were only to keep the *Convocation* from *Exceſs*, and within their *juſt bounds*, it is evidnetly *ſuppoſed*, that they may *intermeddle* with any *Other Matter*, without *Expreſs Licence.*

Letter. p. 51.

Whether that be *ſuppoſed*, or no, I cannot tell; this I am ſure is, that the *Clergy*, in thoſe days, were but too apt to meddle with matters, in their *Convocation*, that did not at all belong to them.

them. And I doubt, were ſome mens Notions allow'd of, we ſhould find but too much need of having theſe kind of *Prohibitions* brought again into *Practice*. But, the truth is, when thoſe *Prohibitions* were wont to be ſent to the *Convocation*; the *Clergy*, oftentimes, did not only *Meet*, but *Act* too, without the *King*'s *Licence*: And by *both* uſurp'd upon the *Royal Authority*. And to ſuppreſs theſe abuſes, and to vindicate the *King*'s *Supremacy*, it was, that the *Statute* of the 25 *H.* 8. *c.* 19. was paſs'd. Since which time we meet with none of theſe *Prohibitions*; and I hope the *Crown* will never fall any more into ſuch hard Circumſtances, as to ſtand, again, in need of them.

As for what this *Author*, in the next place, excepts againſt the *Authority* of *Cokes* xiith. *Report*; I am but little concern'd in it. The *fortunes* of the *Crown* depend not upon the Credit of it. Let thoſe who build their *Opinion*, as to theſe matters, upon the Reſolution of the *Judges*, there Related, (if Any ſuch there be) undertake the Defence of it. *Letter.* p. 50, 51.

§. 19. We are now come to the main Point; and which Our *Author*, therefore, Labours, all he can, to Get over: And that is, How we are to underſtand the *Statute* of the 25. *H.* 8. Whether as *Prohibiting* the *Clergy* only to *Promulge* and *Execute* any *Canons*, &c. but what are *Confirm*'d by the *King?* Or, Whether we are to look upon it to have forbidden Them, to *debate*, and *conclude* upon any; without his *Licence*, firſt had, ſo to do?

And here, I ſhall neither enter into any Controverſy with this *New Critick*, about the *propriety* of *Expreſſion*, in which Our *Acts* are too often defective; Nor complain of his very *Partial*, and *Imperfect Recital* of it: Tho' in this, he will find it hard to juſtifie himſelf to thoſe, who will take the pains to compare the *Words* of the *Statute*, with that Account which he has given, in his *Letter*, of it. But ſuppoſing the *Act* to have been ſo *obſcurely*, or *doubtfully drawn up*, as to be really capable of either of the *Senſes* here *contended* for; (which yet truly I think it is not:) will only conſider whether there be not much more reaſon to *prefer Ours*, than to *allow* of *His*. For

See the Appendix.

For which end, 1ſt, I would Ask this *Author*: Whether, ſuppoſing One of theſe *Senſes* can evidently be made appear to have been *Always*, and *Univerſally Received*, as the meaning of this *Act*, ever ſince it was Made; and the Other be Confeſſedly a *New*, and *Singular*, (for I muſt not now ſay a *Forced*) *Interpretation* of it; that Ought not in all Reaſon to be Stuck to, which has *prevail'd* from the beginning, rather than That which was never *Allow'd* of; nor, for ought I know, ſo much as heard of, till this *Gentleman* firſt enlightned the World with it?

Again: 2dly: Let me demand farther; Whether this will not be ſtill more Reaſonable, if it can be ſhewn, that that *Senſe* of this *Statute*, which we Affirm has hitherto *Univerſally Obtain'd*, has alſo been *confirm'd* by the *Conſtant Practice* of Thoſe who were moſt concern'd to Enquire into the Meaning of it; And had, withall, the Beſt Opportunities of knowing what was indeed intended by the *Legiſlators* in Making of it?

3dly, and laſtly: Let me Ask; Whether we ought not, yet more undoubtedly to acquieſce in this *Senſe*; if it has been *Generally*, and *Conſtantly* admitted, not only by ſuch as were the moſt *Concern'd*, and beſt *Qualified*, to judge of it; but whoſe *Intereſt* it was, withall, to have *declared* againſt *this Senſe*, and to have Aſſerted that *Other*, which this *Author* has here advanced; ſuppoſing there had been any Rational Ground for Them ſo to do?

Theſe, I conceive, are very plain *Queſtions*; and either this *Gentleman* muſt recede from the moſt *Commonly*, *Received Rules* of *Interpreting Laws*; or he muſt Conſent to the *Reaſonableneſs* of them, and be Concluded by Them.

§. 20. To apply then theſe *General Rules* to the Caſe in hand: I believe no reaſonable Man will doubt but that the *Kings* of *England* have had as Good *Opportunities* of *Underſtanding* the *Senſe* of their *Own Laws*, as any Other Perſon whatſoever can pretend to. They have had their *Judges*; their *Council* learned in the *Law*; their Own *Great Coun-*

Counſellours, at all times, to adviſe with: And theſe have not only *Authority* to make an *Authentick declaration* of the *Senſe* of any *Statute*; but have been actually conſulted by Them, concerning the *meaning* of this very *Act*. Unleſs we ſhould be ſo unreaſonable as to Suppoſe, that Our *Princes* have from time to time ſent *Commiſſions* to their *Convocations*, to empower them to *Act*; And that with peculiar Relation to this *Law*; and yet never *Conſulted* with their *Judges*, &c. in drawing of them; Or were ever better *inform'd* by *Them*, when they ſaw how Groſly they had miſtaken the *Senſe* of it. *See that of* K. Ch. I. Append. n. v.

But it may be our *Kings* were *Parties* in this *Caſe*, and had an intereſt to prefer this *Interpretation* of that *Statute* before the Other; that ſo they might the better Exalt their Own *Power* by it. Let this alſo be ſuppoſed: But ſtill I hope the *Convocation* its ſelf had no intereſt to joyn with them in this deſign; and to help, by a wrong *interpretation* of this *Act*, to bring themſelves into Bondage. That, next to the *King*, the *Convocation* may be accounted as well Qualified to underſtand the true Senſe of a *Statute*, which it ſo nearly con-

concern'd them to look into, as any *Private Critick*, I believe no Modeſt Man will deny. Our *Author*, I am ſure, has too Great a Veneration for that Learned Body, to doubt of their *Ability*; I had almoſt ſaid *Authority*, to Expound an *Act* of *Parliament*.

Let him therefore tell us; What *Convocation* has there been, ever ſince this *Act* was made, that has ever refuſed the *King*'s *Licence*, ſent to them in purſuance of it? Or has *Proteſted* againſt it? Or has ventured to proceed to *Conferr*, *Deliberate*, and *Make Canons*, without the *King*'s *Licence* firſt Obtain'd, to Warrant them ſo to do? That our *Kings* have conſtantly ſent their *Commiſſions* to them, to keep them from falling under the *Cenſure* of this *Statute*, We are very ſure. That Our *Convocations* have evermore thankfully received theſe *Commiſſions*; and proceeded to *Act* under the *Authority* of Them, cannot be deny'd. That they have refuſed to *Act* till they Received the *King*'s *Licence*; and when they have ſuſpected that the *date* of it was *determined*, have inſiſted upon having a *New One* ſent to Them, we can prove, beyond any Reaſonable Exception.

But

But that ever any *Convocation* Rejected ſuch a *Licence*; or preſumed to *Act* without it; from the time that this *Law* was made, I have never heard, nor can this *Gentleman*, I believe, give me an *Inſtance* of Either. I conclude therefore, that ſuppoſing there were indeed a juſt Ground to doubt of the *meaning* of this *Statute*; (which yet I muſt again profeſs, to my Apprehenſion, there is not) yet ſtill, That *Senſe* of it which has Obtain'd ever ſince it was made; according to which Our *Kings* have for above 150 Years proceeded to Give ſuch *Licences*, as we now contend for, to their *Convocations*; And their *Convocations* have continued to *accept* of, and to *Act* by them: Which our Greateſt *Lawyers* have *declared* themſelves in *favour* of; and which no Man, that, I know of, beſides this One *Author*, has ever pretended to call in Queſtion: I ſay that *Senſe*, which has all theſe *Advantages*; and is, in its ſelf, moſt agreeable to the *Words* of the *Act*, and the *Occaſion* that was given to the making of it; ought, in all Reaſon, to be preferr'd to any new *Conſtruction* that can be ſet up againſt it; tho' ſuch *conſtruction* might,

might, in ſome meaſure, be made of the *Words* of the *Law*, and afford ſome ſhew of Reaſon, to enable a *Witty Man* to talk very plauſibly in favour of it.

Whether theſe Conſiderations will ſeem ſufficient to this *Author*, to juſtifie the Old, Received *Senſe* of this *Statute*, I cannot tell: nor do's the *King*'s *Authority* depend ſo much upon it, that I ſhould need to ſay any more to it. That without his *Writ*, the *Convocation* cannot *Meet*, this *Gentleman* himſelf acknowledges. And I am ſure whenever the *King* ſhall think fit to let them *Meet*, He will ſend Them his *Licence* to *Act* too. If they accept his *Licence*, and proceed to *Act* by vertue of it, this will afford us a new Argument to prove, that we are not miſtaken in the *Senſe* we give of this *Statute*. If not, we ſhall then, in all probability, be ſet Right in it; and upon a *Judicial determination* (which this *Author* tells us was wanting in *Cokes Report*) be ſatisfied, what Skill this *poſitive* Man has in *Interpreting* of *Acts* of *Parliament*: And whether tho' there be *No Senſe*, yet there may not be *Good Law*, on the ſide of the *King*'s *Prerogative*.

Letter. p. 50.

And

§. 21. And now, I may venture to ſay, we have ſeen the utmoſt of what this *Author* can do. As for what he next catches at, That my Lord *Coke* affirms that the *King* had heretofore "a *Right* "to ſend *Commiſſioners* to ſit with the "*Clergy* in *Convocation* (tho' *Quo jure*, "he ſays, it do's not Appear:) And "therefore it muſt be ſuppoſed that the "*Clergy* had a *Right* to *debate* of what "they pleaſed; becauſe elſe it would "have been needleſs to ſend a *Commiſſio-* "*ner* to Watch them: I muſt needs ſay, I do not ſee by what *Rules* of *Reaſon* any ſuch *Conſequence*, will follow from it; Unleſs we ſhould ſuppoſe that becauſe Men are *limited* to *Act* by certain *Rules*, therefore there is no *danger* of their *tranſgreſſing* of Them. The ancient *Emperours*, we are well aſſured, tied up their *Councils* to very Strict *Rules*: Yet ſo dull were They, that, for that very Reaſon, they ſent *Commiſſioners* to ſit with their *Biſhops*; that ſo they might take Care to keep them within bounds, and ſee that they acted according to the *Rules* they had *preſcribed* to Them.

Letter. p. 58.

See above, ch. ii. §. 27. ch. iii. §. 13.

'Tis

'Tis true, the *Clergy*, in thoſe days, did take the Liberty to tranſact many things, in their *Convocations*, without any particular *Licence*, from the *King*, to warrant Them ſo to do. And this rendred the *preſence* of ſuch *Commiſſioners* more neceſſary *heretofore*, than it is *Now*. But that they did take upon them to do this, is no proof that they had a *Right* to do it: any more than their *attempts*, in many other inſtances, prove that they ought to have enjoy'd all thoſe *priviledges*, by which it is, on all hands, allow'd, that they did oftentimes notoriouſly Uſurp upon the *Royal Authority*.

p. 22. *Letter*, p. 60, 61. There is yet a little ſpiteful *Suggeſtion*, for I cannot call it an *Argument*, drawn from *Magna Charta*, and the *King*'s *Coronation-Oath*: But theſe things will then be fit to be Conſider'd, when He ſhall firſt have proved the *Church* to have ſuch a *Right* as he ſuppoſes, but has not yet offer'd one tolerable proof of; unleſs we ſhould take a *Confident Aſſertion*, for *proof*, in which, it muſt be confeſs'd, he has not been Wanting. In the mean time, whilſt the *Church* is deprived of no *Liberty*, that

that either the *Laws* have given it, or it ought, of Right, to enjoy; the *King* may *keep* his *Coronation-Oath*, and *Magna Charta* be as ſacredly *obſerved*, as any One could Wiſh it ſhould be; tho' the *Clergy* be not allow'd all that unreaſonable *Liberty*, which ſome Men plead for, on their Behalf; but which neither the *Clergy*, nor *Convocation*, have Themſelves ever pretended to.

"But whatever *Reſtraints* may be "pretended to be laid upon the *Convo-* §. 23. *Letter.*
"*cation* by this *Act* with regard to the pag. 59.
"*making* of *Laws*, and *Conſtitutions* (For
"*Laws* this *Author* will have the *Con-*
"*vocation* to make, as well as the *Par-*
"*liament*:) yet the *Exerciſe* of their
"*Juriſdiction*, as they are a *Court*, pro-
"perly ſo called, is certainly left *free*,
"and *intire* to them. This He takes for Granted, and never ſo much as attempts a Proof of it. And therefore there is no more for me here to do, after what I have already ſaid as to this matter. Ch. ii. §. 36. iii. §. 14, &c.

If the Caſe be ſo, as it is here ſuppoſed; If neither the *King*'s *Supremacy* in *Eccleſiaſtical Cauſes*; nor the *Laws* of the *Realm*; nor the *Cuſtom* of *Convocations*;

ons; which (like that of the *Parliament*) is, I conceive, the *Law* of *Convotion*; have reſtrained the *Clergy*, as to theſe Matters; I am ſure I ſhall be far from deſiring to lay any Reſtraint upon them.

I ſhall conclude this whole *Chapter* with a Relation which I meet with in One of our Ancient *Reports*; and which being added to what I have before obſerved, may contribute a little, to the better underſtanding of the *power* of the *Convocation*, in the *Particular* we are now upon.

9. 24. Keilway's *Rep.* fol. 181, &c.

In the 4. *H.* 8. An *Act* of *Parliament* was made, to deny the *benefit* of the *Clergy*, to certain *Malefactors* therein mentioned. The *Clergy* being angry at this, as intrenching too much on the *Rights* of the *Church*; (for the *Church* in thoſe Days was always wont to be very tender of her *Rights*, whether they were for the *publick Good*, or no;) About three years after, the *Parliament* then *ſitting*, the *Abbot* of *Winchomb* in a Publick *Sermon*, at *Paul*s *Croſs*, not only *Preach'd* againſt the ſaid *Act*, and all *Thoſe* who had *Conſented* to the *Paſſing* of it; but farther Affirm'd, that All *Clerks*,

Clerks, who have once been admitted into any *Holy Orders*, whether *Greater* or *Leſſer*, were from thenceforth Exempt from all *temporal Puniſhment*, before any *Temporal Judge*, for any *Criminal Cauſe* whatſoever.

The *Lords Temporal*, and *Commons*, being alarum'd at this, Petition the *King* that he would order this *Point* to be publickly argued, by *Divines* and *Canoniſts* on both ſides: And thereupon, a Certain Day was appointed by the *King* for that purpoſe, at the *Black-Fryars*, *London*.

Among the *Council* for the *King* was Doctor *Henry Standiſh*, a Learned Man, and Guardian of the *Mendicant Fryars*, in *London*. The *Cauſe* was handled, and many *Members* of *both Houſes* were preſent: And, in the Opinion of all who heard it, Dr. *Standiſh* had ſo much the Better of the *Council* that argued for the *Clergy*; that it was moved to the *Biſhops*, that they ſhould Oblige the *Abbot* Publickly to *Recant* his *Aſſertions*.

At *Michaelmas* following, the *Clergy* ſitting in *Convocation*, cited Dr. *Standiſh* to appear before them, to anſwer to ſuch Articles as ſhould there be Ex-

hibited againſt Him. He appeared, as he was order'd; and *four Articles* were firſt propoſed by the *Archbiſhop* to Him: and being afterwards encreaſed to *ſix*, were deliver'd to Him in *Writing*; (All tending to the purport of what he had before Aſſerted, in defence of the *King's Authority*;) And he was Required, upon a *Certain Day*, to *Anſwer* to Them. It ſeems, to aſſert the *King's Authority* over the *Clergy*, was accounted in thoſe days to be no leſs than *Hereſie*; and perhaps may ſtill be thought, by ſome Men, to come near to it.

Doctor *Standiſh* eaſily perceived what the *Convocation* drove at: And being ſenſible that He ſhould not be Able to withſtand their *Malice*, and *Authority*; put Himſelf under the *King's Protection*, and referr'd his *Cauſe* to Him. The *Clergy* being a little ſurpriſed at this, proteſt to the *King* that their Proceſs againſt Him was not for any thing he either did, or ſaid, when he was of *Council* for his *Majeſty*; but for Other *Tenets*, Elſewhere, and at Other times advanced by Him: And therefore pray his Aſſiſtance; according to his *Coronation Oath*; and as He deſired to avoid the *Cenſures* of the *Church*. The

The *Clergy* thus proceeding, the *Lords*, and *Judges* of the *Realm*, at the Inſtance of the *Houſe* of *Commons*, addreſs alſo to the *King*; and deſire him, by vertue of his *Coronation Oath*, that He would aſſert his *Temporal Juriſdiction*; and protect *Standiſh*; (in the Great peril in which He was,) againſt the *Malice* of the *Clergy*: who evidently Objected to him the ſame *Tenets* which He had *defended*, in *Right* of the *King*'s *Authority*.

Being thus applied to, on Both ſides; the *King* firſt conſults with Dr. *Veyſey*, *Dean* of his *Chapel*; and (having had his Opinion) orders the *Juſtices* of his *Courts*, and his Own *Council*, both *Spiritual* and *Temporal*, with ſeveral Members of the *Parliament*, to meet at the *Black-Fryars*; and there to take Cognizance of the Cauſe between *Standiſh*, and the *Convocation*; and to hear what *Standiſh* had to ſay for himſelf, in anſwer to the *Points* objected to Him.

The *Cauſe* is heard; and in concluſion, *Standiſh* is acquitted, and the whole *Convocation* judged to have incurred a *Præmunire*, by their *Citation*, and *Proſecution* of Him.

Upon this the *King* comes himſelf to *Baynards Caſtle*; all the *Biſhops*, and a Great Part of the *Parliament*, with the *Judges*, attending upon Him. Being ſate; *Woolſey*, as *Cardinal*, and in high favour with the *King*, firſt applies to Him in behalf of the *Convocation*; and prays, that the Cauſe might be Referr'd to the Judgment of the *Court* of *Rome*. This was ſeconded by *Warham*, *Archbiſhop* of *Canterbury* in the name of All the *Clergy*; and much was Argued for, and againſt This.

At length the *King* deliver'd himſelf, to this Effect, to them: "*That by* "*the* Order *and* Sufferance *of* God, *He* "*was* King *of* England; *and, as ſuch,* "*would maintain the* Rights *of his* "Crown, *and his* Royal Juriſdiction, "*in as ample a manner, as any of his* "Progenitors *had done before Him. Then he commanded the* Convocation *to diſmiſs* Standiſh; which accordingly they did: And were content, for that time, to let the *Royal Supremacy*, get the better of the *Spiritual Juriſdiction*.

CHAP.

CHAP. VI.

Some Rules *laid down by which to judge, for what* Cauſes, *and at what* times, Synods *ought, or ought not to be* Aſſembled: *And the* Reaſons *ſuggeſted by the* Author *of the* Letter, *&c. to prove a* Convocation *to be, at this time,* Neceſſary *to be held*; Examined, *and* Anſwer'd.

§. 1. HItherto we have been ſtating the matter of *Right* between the *King*, and the *Convocation*: And if I do not very much deceive my ſelf, I have plainly made it appear againſt the *Author* of the *Late Letter to a Convocation-Man*; that that Venerable Body have neither any *Right* to *Meet*, nor *Power* to *Act*, but as the *King* ſhall Graciouſly Allow them to do.

But now, having Aſſerted this, in Vindication of the *Prince*'s Prerogative; I muſt not forget what I have before confeſs'd as to this matter, and ſee no

Cauſe yet to Retract; *viz.* That His *Majeſty*, both as a *Chriſtian*, and a *King*, is Obliged to permit his *Clergy* to *Sit*, and *Act*, whenſoever he is perſwaded that the Neceſſities of the *Church* require it; and it would be for the *Publick Good* of his *People*, that They ſhould do ſo. And tho', 'tis true, the *Law* has intruſted Him with the Laſt *Judgment* of this; and, without which, it would be impoſſible for him to maintain his *Supremacy* in this Reſpect; yet certainly He ought to be by ſo much the more careful to Conſider the *Intereſt* of the *Publick*, by How much the Greater the Truſt is, which the *Publick*, in Confidence of ſuch his Care, has Repoſed in Him.

It muſt be confeſs'd, indeed, that our preſent *Author*, has neither taken a very proper Method of communicating his *Advice* to the *King*; nor done it in ſuch a Manner, as if He deſign'd to perſwade either the *King*, or his *Miniſters*, to pay any Great Deference to his *Judgment*. On the contrary it appears, that in all that he has ſaid, he intended rather to Reflect upon the *Adminiſtration* of *Affairs*, and to raiſe *diſcontents* in Mens Minds againſt the *Govern-*

Government, than to do any Service either to *Religion*, or the *Church*. But however I will conſider, nevertheleſs, what he has alledged, to ſhew, That our *preſent times* call for a *Convocation*; and that the *King* ought not any longer to prevent their *ſitting*.

The *Queſtion*, to be examin'd, is thus propoſed by Him: §. 3.

What *Occaſion* there is, at preſent for a *Convocation*? *Letter* p. 1.

And his Anſwer to it, is Short, and Vehement; full of Warmth, as being, I ſuppoſe, deſign'd to Enflame: "That "*if Ever there were need of a* Convocati- Ibid. p. 2.
"on, *ſince* Chriſtianity *was Eſtabliſh'd* "*in this* Kingdom, *there is need of One Now.*

To clear this Point, and ſee how well this *Author* makes Good ſo bold an Aſſertion; I ſhall take this Method.

1ſt. I will lay down ſome *General Rules*, by which we may the better Judge, at what *Times*, and in what *Caſes*, it may be either *neceſſary*, or *expedient* for a *Prince* to call a *Convocation*: And then proceed.

2dly. To Conſider, What this *Gentleman* has offer'd to prove the *Neceſſity* of a *Convocation*, under our preſent Circumſtances, to be ſo *exceeding Great*, and *Urgent*, as He pretends it is?

I.

§. 3. That *Synods* may, in ſome Caſes, be as *Uſeleſs* to the *Church*, as in Others they are *Expedient*; Every Man's Own *Reaſon* will tell him: And that ſuch Times may happen in which they may be apt to prove not only *Uſeleſs*, but *Hurtful*, we have not only the *Experience*, but the *Complaints*, of the *Beſt Men*, to convince us. It was a ſevere Judgment which *Gregory Nazianzen* paſs'd upon the *Synods* of his Time; and is the more to be Regarded, becauſe it was the *Reſult* of a *frequent Tryal*, and a *ſad Obſervation*; That *He fled all ſuch* Aſſemblies, *as having never ſeen any One of them come to a* Happy Concluſion; *or that did not* Cauſe *more* Miſchief, *than it* Remedied. *Their* Contention, *and* Ambition (ſays he) *is not to be Expreſs'd: And a Man may much*

Greg. Naz. Tom. 1. Epiſt. 42. p. 814.

much eaſier fall into Sin himſelf, *by* judging *of Other Men*; *than* He *ſhall be able to Reform their* Crimes.

There is ſcarce any thing in *Antiquity*, that either more Expoſed our *Chriſtian Profeſſion* heretofore, or may more deſerve our ſerious Conſideration at this day; than the *Violence*, the *Paſſion*, the *Malice*, the *Falſeneſs*, and the *Oppreſſion*, which Reigned in moſt of thoſe *Synods* that were held by *Conſtantine* firſt, and, after, him by the following *Emperours*, upon the Occaſion of the *Arian* Controverſy. Bitter are the Complaints, which, we are told, that Great *Emperour* made of Them. The *Barbarians*, ſays he, in his *Letter* to One of Them; *for fear of Us, Worſhip* God: *But we mind nothing but what tends to* Hatred, *to* Diſſention; *in One word, to the* Deſtruction *of* Mankind. And what little Succeſs other *Synods* have oftentimes had, might eaſily be made appear; were it needful to enlarge upon ſo Known, and Melancholy a Subject. Sozom. lib. ii. Cap. 28.

Now this as it has obliged not only the Beſt Men, but the Wiſeſt Emperours, to be very careful, how they either called, or encouraged ſuch *Aſſemblies*,

blies, unleſs they had ſome Reaſon to hope for a *Good Effect* of Them; ſo may it ſuffice to convince Us ſtill, that neither are All *Times*, nor All *Cauſes*, either Proper for, or Worthy of, ſuch Meetings: and that the *Expediency* of Them ought to be very Clearly made out, before it can, with any Reaſon, be expected, that the *Prince* ſhould conſent to their *Aſſembling*.

§. 4. It has, I think been generally agreed, that the main *End* for which *Synods* are neceſſary to be Aſſembled, is either to *eſtabliſh* the *Faith*, and to declare the *Unity*, of the *Church*, in *matters* of *Doctrine*: Or to *adviſe*, and *aſſiſt* the *Civil Magiſtrate*, in things pertaining to the *Diſcipline* of it. As for the Exerciſe of *Eccleſiaſtical Juriſdiction*, that, in every well ſettled *Church*, is commonly provided for by ſome more *Ordinary* Means: So that, except in a few *Caſes* of an *Extraordinary Nature*, there is ſeldom any Occaſion for a *Synod* to meet, upon any ſuch account.

§. 5. Now as theſe are the *Ends* for which *Synods* ought to be *Aſſembled*; ſo, I believe, it will be allow'd, by all Conſidering

ſidering Perſons, that the *Prince* ought never to Call them, when Either, 1ſt. It is needleſs; Or, 2dly, It would be hurtful ſo to do. When there is no Appearance of any *Good* to come from their *Meeting*; but rather it may juſtly be fear'd, that their *Meeting* will turn to the *Prejudice* of the *Church*. In ſhort; That the *Prince* ought never to call his *Clergy* together, but for ſome *Rational*, and *Good End*: When there is ſomething *Proper* for ſuch an *Aſſembly* to *do*; and They may be likely to *Do* it *ſo*, as to advance the *Welfare* of the *Church* by it.

This, I conceive, muſt be allow'd, in point of *Prudence*, to be the *General Meaſure*, by which the *Prince* ought, upon all Occaſions, to judge, whether it be *Neceſſary*, or even *Expedient* for him, to ſuffer a *Convocation* to Meet, or no. And from theſe *General Meaſures*, we will proceed to draw ſome farther, and more particular *Directions*, for our better *judging* in the *Point* before Us.

And (1ſt.) Becauſe in *Clear*, and *Evident Caſes*, where both the *Truth* is *Manifeſt*; and the *Conſent* of the *Church*, *Conſtant* §. 6.

Conſtant and *Out of doubt*; there is no need of any *Definitions*, either to declare its Senſe, or to teſtifie its Agreement: therefore neither can there be any Need to Aſſemble a *Convocation*, to *Judge* or *Determine*, in ſuch *Caſes*.

If, in a *Chriſtian Country*, where the *Goſpel* is profeſs'd, and its Truth eſtabliſh'd; and Men have, for many Ages, been Bred up to the Knowledge, and Belief of it; A ſort of *Libertines* ſhould ariſe, to deny not only the truth of *Chriſtianity*, but the very *Being* of a *God*; the *Certainty* of *Revelation*; the *Authority* of the *Holy Scriptures*; and the like *Common*, and *Avow'd Principles* of *Religion*: It would be not only *Needleſs*, but *Abſurd*, for a *Synod* to be call'd to debate over again the *Fundamentals* of *Piety*; and ſolemnly to define againſt theſe *Sceptical*, *Profane* Diſputers, That there is a *God*; That He has *Revealed* his *Will* to *Mankind*; and that the *Scriptures* were written by *divine Inſpiration*. And all that they would Gain by doing of it, would be only this, that they would ſee their *Authority*, and their *Definitions*, *deſpiſed* by Them: And might probably give Offence to Good Men; as if they had ſo much

Rea-

Reaſon on their ſide, or there were ſo much *Difficulty* in this *Caſe*; as to need the Solemnity of a *Convocation* to interpoſe in it.

In ſuch *Caſes* as this, the *Chriſtian Magiſtrate* ought to take upon him the *Protection* of *Religion*; of the *Faith* which he profeſſes, and of that *Saviour* by whom He hopes to be Saved: And ſo to Order Matters; that ſuch Perſons ſhall either Ceaſe to *blaſpheme*; Or they ſhall find out ſome Other Place than a *Chriſtian Country* to do it in. *Civil Authority* may Reſtrain ſuch bold Men; but 'tis Ridiculous to think that all the *Synods* in the World, ſhould ever be able to *Perſwade* Them.

Again (2dly.) Upon the ſame Grounds I affirm, that neither is there any need of a *New Synod*, to declare the *Doctrine*, and *Conſent* of the *Church*, in ſuch *Points*, in which it has, by as *Great*, Or even *Greater Authority*, been before Declared. §. 7.

Thus ſuppoſing any *Church* ſhould not only have ſolemnly Received the *Four* firſt *General Councils*; but in farther teſtimony of its *Agreement* in *Faith* with Them, ſhould have given their *Creeds* a Place

Place in its *Publick Liturgy:* And to ſtrengthen all this, ſhould have drawn up a Clear, and Full *Confeſſion* of its Own, upon the Principles by them defined; and have Required that *Confeſſion* to be *Received*, and *Subſcribed* to, by All who are Admitted, to any *ſpiritual Office*, or *Function* in it: How ridiculous would it be, for ſuch a *Church*, to Aſſemble a *Convocation*, to declare to all the World that it *believes* our *Saviour's Divinity*; and holds a *Trinity* of *Perſons*, in the *Unity* of the *God-head*? What tho' there be ſome, in ſuch a *Church*, who *deny* this; and take advantage of the *Liberty*, or rather *Licentiouſneſs*, of evil Times, to dare even to *Write*, and *Argue* againſt it? The *Doctrine* and *Faith* of the *Church* are ſtill the ſame: And it may as well be ſaid that in Our *Proteſtant*, *Reform'd Church*, it is needful to call a *Convocation*, to proteſt again againſt the *Errors* and *Superſtitions* of the *Church* of *Rome*; becauſe ſome not only *Write* in defence of Them, but are buiſie alſo to make *Converts* to them; As for ſuch a *Church* to call a *Synod*, to declare, that it has no part with thoſe who *Write*, and Argue, againſt its own Avow'd *Senſe*, in the Points of the *Ho-*

Holy Trinity, and of the *Divinity* of the *Son* of *God*.

A *Convocation* may *ſit*, and draw up what *Creeds*, and *Confeſſions* it will. But if They expect that Thoſe who deſpiſe the *Authority* of the *Ancient*, *General Councils* of the *Church*, ſhould be Concluded by *their Definitions*; It will, I doubt, appear that They have but flatter'd themſelves with Vain Hopes: And they will find, too late, that thoſe who are not to be Reſtrain'd by what has been *already Determin'd*, will much leſs regard any New *Deciſions* that can be made Againſt Them.

In this Caſe, again, 'tis the *Civil Power*, or nothing, that muſt Reſtrain their Preſumption. A *Good Law* may Oblige them to be *ſilent*; but I doubt neither that, nor any Thing elſe, will be Able to cure them of their *Infidelity*.

§. 8. But. (3dly.) If a *Convocation* ought not to be called without need, then neither can it be *Neceſſary*, or even *fitting*, to Aſſemble it for ſuch *Matters*, as not only may be Equally provided for, by *Ordinary Means*; but which fall, more properly, under the Cognizance of ſome Other *Authority*. Such

Such are, firſt, all *Private Caſes*, which are determinable in Other *Courts*, and before ſome Other *Judges*, which the *Law* has provided for Them: And the *King* might as well Aſſemble his *Parliament*, to try a *Thief*, or a *Felon*; as his *Convocation* to convict a Man of *Hereſie*, or *Schiſm* There are *Civil Courts* appointed for the *One*; and *Eccleſiaſtical Courts* provided for the Other. And if theſe Neglect, or *Refuſe* to do their *Duty*, there are Shorter Ways of *Applying* a *Remedy* to it, than by calling either a *Parliament*, or *Convocation*, for ſuch a Purpoſe.

And ſuch are, ſecondly, ſuch *Diſorders*, as either the *Biſhop* in his *Dioceſs*; the *Arch-biſhop* in his *Province*; Or the *King* in the whole *Church*, have ſufficient power, by their Own immediate *Orders*, or *Injunctions*, to redreſs: Whether they be Occaſion'd by Mens *departing* from the *Rules*, and *Meaſures* already *preſcribed* to Them; Or for want of a *Vigorous* Execution of thoſe *Laws*, by which they ought to be *puniſh'd* for their ſo doing.

Indeed, where the *Diſcipline*, and *Authority* of the *Church* its ſelf is *defective*; and Irregularities both in the *Clergy*,

Clergy, and *Laity* abound, for want of a Power ſufficient to ſuppreſs them; a *Convocation* may be needful, to conſider, How a *Remedy* may be *provided* for this *Defect*; and the *Church* be enabled, more ſucceſsfully, both to *Guard* the *Faith*, and to *Reform* the *Manners*, of its *Members*. And I heartily wiſh our Circumſtances were ſuch, that a *Convocation* might meet, for this Purpoſe. But I am afraid our *Diſtemper* is become too Great to be *healed*: And that we are Uncapable of ſuch a *Diſcipline*, as, above all things, We the moſt Want. And therefore

(4thly.) And to go on with theſe Remarks: As in ſuch *Caſes*, as I have hitherto mentioned, it is *needleſs* to Call a *Convocation*; ſo would it be in Vain to Aſſemble it for ſuch purpoſes, in which there were no probable Expectation of Succeſs; or *hope*, that any *Good* ſhould be done by it. This, as for ought I know, it may be One Great Reaſon why a *Convocation* is not called, to *Review* ſome of our *Publick Offices*; to *Improve* our *Diſcipline*; And to *Reform* many *Diſorders* in the Exerciſe of the *Eccleſiaſtical Juriſdicti-* §. 9.

on; ſo am I the rather Confirm'd in my Opinion, of the little *Probability* there is, of any *Good* to be yet done, by a *Convocation*, in this reſpect; that amidſt all the *Reaſons* Offer'd by this *Author*, to prove the neceſſity of holding a *Convocation*, He has never Once given any *Intimation* of theſe *matters*: tho he could not but know that they were look'd upon by the *Government*, as the principal things for which a *Convocation* might be wanting.

See the King's Commiſſion *to the laſt* Convocation.

§. 10. But (5thly.) And to have done: As there are many *Caſes* for which it would be improper to call a *Convocation*; ſo may there be ſome *Times* too, in which it would be altogether *Unadviſable* to *Aſſemble* it.

When Mens *Paſſions* are let looſe, and their *Minds* diſorder'd: When their *Intereſts*, and *Deſigns*; their *Friends* and their *Parties*; nay, their very *Judgments*, and *Principles*, lead them *different Ways*; and they Agree in nothing ſo much, as in being very *Peeviſh*, and *Angry*, with One Another: When their very *Reaſon* is depraved; and they judge not according to *Truth*, or *Evidence*, but with *Reſpect* of *Perſons*;

ſons; and Every One Oppoſes, what Another of a *different Perſwaſion* either *Moves*, or *Approves* of: What Good can the *Prince* propoſe to Himſelf, or any *Wiſe Man* hope for, from any *Aſſembly* that can be brought together, under the unhappy Influence of Theſe, and the like *Prepoſſeſſions*?

It was the ſenſe of this, made a *Wiſe Man*, in the laſt Age, tell *Charles* the Vth; *That it appear'd by Experience, and might from Reaſon be demonſtrated; that thoſe Affairs ſeldom ſucceeded well, which were to be done by Many.* And if ſuch be the inconvenience to which, *Number* alone, expoſes ſuch meetings, in the beſt times; Sure I am, both *Reaſon* and *Experience* will much more convince Us, that in times of *doubt* and *diſcontent*, this will be more likely to be the Caſe; and that under ſuch *Circumſtances*, there is little Good to be expected from them.

§. 11. And this may ſuffice, in General, to ſhew what thoſe *Caſes*, and thoſe *Times* are, in which the *Prince* may have Reaſon to think, that it is either *needleſs*, or *improper*, for him to ſuffer his *Cler-*

gy, to *Meet*, and *Act* in Convocation.

I Go on,

II.

Secondly; Upon theſe Principles, to Examine, what this *Author* has Offer'd to prove the *Neceſſity*, or even *Expediency*, of their *preſent Aſſembling*.

Now this He pretends to make out by theſe [2] Ways.

[1ſt.] By Proving that there is, upon many Accounts, an Abſolute *neceſſity*, that ſomething ſhould be done for the *Defence* of *Religion*, and the *Church*. And

[2dly.] By ſhewing, That what is thus *neceſſary* to be done, can be done no Other Way, but by a *Convocation*.

§. 12. *Letter*. p. 2. [1ſt.] That ſomething is neceſſary to be done; He proves, from the "*Open Looſeneſs* of Mens *Principles*, and "*Practiſes*: and that ſetled *Contempt* "of *Religion*, and the *Prieſthood*, which "(He

" (He ſays) has prevail'd every where. And upon this *General Ground*, he go's on to dilate, in ſeveral *Particulars*; which muſt therefore be Conſider'd by Us.

But before I proceed any farther in this Debate, I muſt here, once for all, profeſs, that I ſhould be far from Oppoſing any thing that could reaſonably be propoſed to be done, in Order to ſo Good an *End*, as the *Reforming the Open Looſneſs of Mens Principles*, and *Practiſes*, would certainly be. I am by no means Unſenſible that a Great Part of what this *Author* here complains, is but too true: Tho' whether the *Looſneſs* of Mens *Principles*, has *corrupted* their *Manners*; or the *Depravity* of their *Manners*, may not rather have been, at the bottom, one great *Cauſe* of the *Corruption* of their *Principles*, I am not able to determine. And were a *Convocation* neceſſary to Vindicate the *Church* from being, in any degree, acceſſary to theſe *Crimes*; or had it *Authority* ſufficient to *Reform* this *Licentiouſneſs*; I would much rather joyn with this *Author* in *Petitioning* for their *Sitting*, than Contend with Him about the *Expediency* of it. But being fully

Satisfied that the *Convocation* has *neither* Strength ſufficient to Grapple with theſe Enormities; nor is in any reſpect neceſſary, to aſſert the *Churches* Innocence; But eſpecially, being perſwaded, that ſhould it meet, for any ſuch purpoſe, under our preſent Circumſtances, it would only expoſe its Own *Authority*, and our *Religion*, to the Greater Contempt of *Profane*, and *Wicked Men*: I ſhall proceed with all freedom to Examine the *Reaſons* here alledged; and to Vindicate not only the *King*'s Honour, but the *Churches* too; and ſhew, that if the *Other Ways*, which this *Author* here Rejects, be not ſufficient to *Reclaim* Mens *Vices*, neither can it be hoped that the *Convocation* ſhould be able, by any Orders it can make, to *Reclaim* Them.

§. 13. Firſt then: Let us ſuppoſe that (as he alledges) *Scepticiſm*, *Deiſm*, and even *Atheiſm* its ſelf, is pouring in upon Us. Would this *Gentleman* have a *Convocation* called to declare, that the *Church* of *England* not only *Believes* in *God*, but in *Jeſus Chriſt*, and his *Goſpel* too? Has *Chriſt* been thus long *preach'd* among Us, to leave it ſtill in doubt,

doubt, whether, after all, our *Church*, be a *Chriſtian Church*, or No? If neither our Conſtant *Confeſſion* of our *Faith* in *Chriſt*, nor our *publick Worſhip* of *Him*, and of the *Father* by *Him*; If neither our *publick Preaching*, nor our *publick Writing*, in Vindication of this *Faith*; neither what our *Convocations* have formerly declared, and we all continue to ſupport, and defend; be ſufficient to ſatisfie Mankind, that the *Church* of *England* condemns all *Atheiſm*, and *Deiſm*; and that However ſuch Perſons may Live among Us, yet they are by no means Countenanced or Approved by Her; I cannot imagine, What this *Author* thinks a new *Convocation* could do more, to Aſſert her Innocence.

§. 14. And the ſame, I muſt anſwer, Secondly, to the Plea next offer'd, from the Open Appearance of *Socinianiſm* among Us, and the *Oppoſition* that is made, by ſome Men, to the *Myſteries* of the *Goſpel*. For let it be confeſs'd to be ſome Scandal to our *Country*, as indeed it ſeems to be; that ſuch *Profaneneſs* ſhould be ſuffer'd to Go on, without controul, in a *Chriſtian Kingdom*: where the *Goſpel* is, perhaps, the

beſt *underſtood*, and the *Church* the moſt carefully *Reform'd*, of any in the World. Yet what has our *Church* to anſwer for in this Caſe? Complain ſhe may, that ſhe is ſuffered to be thus Torn in pieces, between preſumptuous *Hereticks* on the one hand, and profane *Scoffers* on the other. But ſure this ought not to be added to the Reſt of her Sorrows, to have her Own Faith, and Integrity, call'd in Queſtion.

Nay, the very *Socinians* themſelves, whilſt they abuſe her in Other reſpects, by their ſo doing, juſtifie her in This. They know, and confeſs her *Faith*, to be Againſt them: And for this cauſe it is that they Rail ſo deſpightfully at her. And ſure We ought not, our ſelves, to lay that to Her Charge, from which her Greateſt Enemies acquit her.

In ſhort; Our *Articles*, our *Creeds*, Our *Liturgy*, our *Homilies*; All bear witneſs to the *Catholick Faith*, in Oppoſition to theſe *Hereticks*. Our *Sermons*, and our *Writings*, declare againſt Them. And what can any, *Abroad*, or at *Home*, deſire, either the *Church*, or Her *Miniſters* ſhould do more? Or what more could a *Convocation*, were it to meet to morrow, Do?

As

As for the next Particular, which he inſiſts upon, Thirdly; concerning the *Power* of the *Magiſtrate*, and of the *Church*, which (he tells us) is ſtruck at; and that *Indifference of All Religions*, which (he ſays) is endeavour'd to be Eſtabliſh'd, by Pleas for the Juſtice, and Neceſſity, of an *univerſal, unlimited Toleration*; even againſt the Senſe of the Whole *Legiſlature*; I ſhall ſay but very little. If ſuch a *Toleration* be ſo dangerous, as this *Author* apprehends, and as, for ought I know, it may be; And the *Magiſtrate* has the ſame Opinion of it; It is to be hoped the *Government* will take care to ſecure its ſelf, by a conſtant Denyal of it. And eſtabliſh'd I am ſure it cannot be, *againſt* the *conſent* of the *Whole Legiſlature*; nor indeed without the concurrence of *every Part* of it. §. 15. *Letter*, p. 3.

But however, what can a *Convocation* do in this Caſe? Whether the *Civil Power* ſhall think fit to *Grant*, or *Refuſe*, ſuch a *Toleration*; is a *Political*, as well as an *Eccleſiaſtical Queſtion*: And the *Government* will *Act*, as it thinks fit, in it; and a *Convocation* can neither *help*, nor *hinder* their Proceedings. What the

the Opinion of our *Clergy* is, as to this matter, is well known: And I conceive there is no need of a *Synod* to meet, to ſhew that their *Senſe* is the ſame in *Convocation*, that it is out of it. And thoſe very *Pleas*, which he Refers to, have had their *Anſwers*; which if they do nothing elſe, yet certainly thus much muſt be allow'd to Them, that they ſhew the Opinion of the *Churches* Friends, to be the ſame, that it ever was, in this Particular.

§. 16. Hitherto therefore I do not ſee what need there is of a *Convocation*, or what it could do to make things better than They are. But now we come to the killing Conſideration; and by which, we are to be for ever ſilenced: For, Fourthly, All theſe things have been countenanced by *Members* of our *Own Church*; nay by ſome of the *Clerical Order*. And this has given great *Scandal* to the *Churches* abroad; and to Remove this *Scandal*, and to Animadvert upon theſe *Men*, a *Convocation* ought to be ſuffer'd to *Meet*, and *Act*.

The truth is, it is a Tragical Account which our *Author* gives us of this Matter; and of which I ſhall only ſay, that

that I hope it is not true. I will ſet it down in his Own Words. "*Indeed, to* Letter p.6.
"*be plain, there ſeems to be an Univerſal*
"Conſpiracy *amongſt a Sort of Men, un-*
"*der the Stile of* Deiſts, Socinians, La-
"titudinarians, Denyers *of* Myſteries,
"*and* Pretending Explainers *of them*;
"*to undermine, and overthrow the* Catho-
"lick Faith. *There ſeems too much rea-*
"*ſon to fear, there is no* Order, Degree,
"*nor* Place *among us, wholly free from the*
"Infection. *And a* Convocation, *Re-*
"*gularly Meeting, and Acting freely,*
(that is, according to this *Gentleman*'s Notion, Meeting with every *Seſſion* of *Parliament*, and left to its *Liberty* to do whatever it pleaſes without Check,
"or *Controul*) *is the Greateſt Fence*
"*againſt theſe Miſchiefs, and the moſt*
"*proper Inſtrument to Apply a Remedy.*

Whether a *Convocation* be the moſt *proper Inſtrument* to *Apply a Remedy to theſe Miſchiefs*, we ſhall enquire by and by: But I muſt needs ſay, That ſhould a *Convocation* be allow'd to *Meet* ſo *Regularly*, and to *Act* ſo *freely*, as ſome Men deſire; I fear it would ſoon appear, that the *Remedy* was *worſe* than the *Diſeaſe*.

But

But what Proof do's he bring of this Odious *Conſpiracy*, as far as the *Church* is concern'd in it? For as for *Deiſts*, *Atheiſts*, and *Socinians*, openly acting, and profeſſing themſelves ſuch; I hope he would not have the *Church* to anſwer for their *Profaneneſs*.

Why firſt, he tells us, there is one ingenious *Author*, who *has cunningly undermined, and expoſed, under pretence of Explaining, the Moſaic Hiſtory*. There is another, in great *Dignity*, and *Preferment*, in the *Church*; who has *Sophiſtically oppoſed the* Unity *of the* Godhead, *under pretence of Writing in Vindication of the* Holy, *and* Ever-bleſſed Trinity. And a third, has ſet out a *Diſcourſe, concerning the Divinity, and Death of Chriſt, which he is not ſatisfied with.* Two *Tracts* more there are, which, to encreaſe the *Churches* Guilt, he brings into this Number; The One concerning *the Reaſonableneſs of Chriſtianity*; the Other againſt the *Myſteries* of it. I wonder he did not add, the *Notes upon Athanaſius*; and the three *Collections* of *Socinian Tracts*; and for All which, he might as well have call'd the *Church* to anſwer, as for *Theſe*.

Letter, p. 2.

And

And is this, at laſt, all the Ground he has, upon which ſo tragically to lay about him; as if the Greater Part of our *Biſhops*, and *Clergy*, were become downright *Atheiſts*, *Deiſts*, *Socinians*, and I know not what Monſters of *Scepticiſm* and *Infidelity*? Will ſuch a ſcanty *Induction* ſuffice, to vindicate him either to *God*, or the *World*, for thoſe barbarous *Suggeſtions*, by which He has appeal'd to Both, againſt Us?

What he has to object againſt the laſt of thoſe *Books*, we are concetn'd with, I cannot tell; and therefore muſt be excuſed, if I make no *Apology* for it. As for the ſecond, the *Vindication of the Bleſſed Trinity*, let us ſuppoſe that the Learned *Author* of it, has advanced ſuch an *Explication* of that *Great Myſtery*, as being Critically examined, may fall under the Inconveniencies ſo warmly Alledged againſt it: Nay from whence *Tritheiſm* not only may *poſſibly* be *Inferr'd*, but *neceſſarily muſt follow*. And that is as much as his moſt Eager Adverſary can deſire.

Is Dr. *Sherlock* convinced that this can *juſtly* be *inferr'd*; much more, do's he believe, that this muſt *neceſſarily* be the *Conſequence* of his *Hypotheſis*? This

Gentle-

Gentleman, in his own Conſcience, knows the contrary: And that that Learned Man as much abhors the Doctrine of *Tritheiſm*, as the *Animadverter* himſelf can do; And would as heartily joyn in an *Anathema* againſt thoſe who Aſſert it.

But what is there then, in this caſe, for a *Convocation* to do? Why, I ſuppoſe, he would have that Learned Body joyn hands with the *Animadverter*; and pronounce his *Explication* of the *Holy Trinity* to be *Heretical*. And then, either *Dr. Sherlock* muſt recant it; or he may be try'd by them for *Hereſie*. I find 'tis very happy for the *Dean*, that the *Old Writ*, de Hæretico Comburendo, is determined: Or elſe, for ought I know, his next Motion might be, from his Own *Chapter-Houſe*, into *Smithfield*.

Well, but what if in the *Convocation* ſome ſuch dull Men ſhould be found, as 'tis plain there ſtill are out of it; who after all that either the *Animadverter* has *written*, or the *Univerſity decreed*; do not believe the Doctrine of *Tritheiſm* to be ſo neceſſarily conſequent upon his *Hypotheſis*, as to warrant them to Judge it to be *Heretical*? What if there

there ſhould be ſome Others, who tho' no Friends to the *Hypotheſis*, ſhould yet have ſo much Charity for the *Dean*; as to be unwilling to fall ſo ſeverely upon him, as ſome warm Men would have them do? In ſhort; What if a yet Greater Number of Others ſhould appear, who tho' they neither favour the *Dean*, nor are Friends to his *Hypotheſis*, may yet look upon him to have meant well: and to deſerve ſome conſideration for his former Services: Who may think it unſafe for the *Church* to declare it ſelf in favour of One Man's *Hypotheſis*, or againſt anothers: Who may cry out as loudly againſt ſome, for being *Sabellians*, as an Oppoſite Sort have done againſt Others, as *Tritheiſts*? Or laſtly; who may conceive the beſt way to be, to take the *King*'s Example; and to be content to Reduce all Parties to the Old, Received *Terms*: And thereby, at once, both ſecure the *Church* againſt any farther Miſchief; and ſoftly Cenſure thoſe who have departed from Them?

In all theſe Caſes, it is evident that the *Convocation* may be very likely to fly into *Heats*, and *Parties*; and after much Contention, nothing to be done: And

And then the *Enemies* without will ſmile, and tell the World, that when it came to the tryal, the *Convocation* it ſelf could not Agree about this Matter; and from thence draw an untoward *Conſequence*, againſt the very *Doctrine* it ſelf.

For my Own Part, I am neither engaged by my Opinion to ſupport *Dr. Sherlock*'s Explication; nor will I ever become an Advocate for any Man, to the publick Detriment of the *Church*, or its *Doctrine*. But as I am perſwaded he had no *Heretical Deſign*, nor is, knowingly, involved in any *Tritheiſtical Opinion*; ſo I cannot but think it very hard that He ſhould be forced to *believe* a *Plurality* of *Gods*, whether he do's believe any ſuch *Doctrine*, or no. And if to Err in ſuch a matter as this, or not to ſee all the poſſible *Conſequences* of an *Hypotheſis*, in ſo abſtruſe a Speculation, be a Crime; I am afraid it will be hard for any of Us, to be Altogether *Innocent*.

As for the Other, *Remaining Author*, I ſhall ſay but very little: Let his Crime be what it will, yet it muſt be allow'd, that there are Other Ways of calling him to an account for it, than by a *Convocation*;

vocation; and therefore that this can be no Ground to Prove the neceſſity of their *Meeting*.

There is yet one thing more advanced by this *Author*; not indeed as a Work which He thinks neceſſary for a *Convocation* directly to meet about, but as a Motive to ſhew, How requiſite it is that ſomewhat ſhould be done by Them, in the Matters already mentioned; and that is, Fifthly, upon the account of thoſe Miſchievous Effects, which theſe various *Opinions*, and *Hereſies*, have produced amongſt the *Laity*. They are ſuch, that, if we may Credit Him, a *Convocation* ſeems *neceſſary*, not only for the Sake of the *Faith*, and *Doctrine* of the *Engliſh Church*, but even to preſerve the *Belief* of any *Revelation*.---- *I am loath*, ſays He, *to be more particular; but the Cauſe, and the Effect, are Both plain.* §. 17. *Letter* p. 7.

This is the laſt Effort; and 'tis puſh'd Home by Him. And here, I will not deny, but that the *Diſputes*, which have ariſen among us in *matters* of *Religion*, and the *Diverſity* of *Opinions* advanced thereupon, may have done their Part to corrupt the *Minds*,

and *Manners* of Many. When Men of *Parts*, and *Paſſion*, fall foul upon One Another, ; and *Religion* is the *Subject* ; and each accounts it a Proof of his *Zeal* for *God*, to maintain his *Point*, and His *Honour*, together : Whatever Party Prevails, *Religion* is ſure to ſuffer ; and 'tis Great Odds, but Both the *Litigants* are the *Worſe Men* for it, as long as they live. I need not ſay, what an indecent *Heat* has appear'd in ſeveral of our *Late Controverſies*; and what a Vein of *Levity*, and *Raillery*, has run through ſome Others. And what a Tincture all theſe are apt to leave upon the Minds of thoſe, who intereſt themſelves in theſe kind of Quarrels; and what a diverſion they afford to Men, of more *Wit* than *Judgment*; of more *ill-Nature*, than *Piety*; we have too much Experimented.

But can this *Author* yet find out no other *Cauſe*, that may have contributed its Part, to theſe unhappy Effects, no leſs, if not more, than all theſe *Diſputes*? I would to *God* there were no Other. But what then ſhall we ſay of our *Factions*, and our *Diviſions* ; our *Reſentments* and *Animoſities* ; our *Intereſts*, and our *Deſigns* ? What ſhall we ſay

ſay of Thoſe *new Schiſms* which Theſe have produced? Such as, I believe, were never heard of before in the *Church* of *Chriſt*; And for the *Cenſuring*, or *Suppreſſing* of which, if for Any thing, a *Convocation* ſeems to be truly the moſt wanted.

In particular; What ſhall we ſay, of the *Converſation*, and *Examples* of ſome of thoſe, who *wait* at the *Altar*; and by their *Office* and *Profeſſion* ſeem engaged, beyond all Others, if not to help to *Reform* the *World*, yet certainly to take Care that they do not help to make it *Worſe*. Whilſt *Pride*, and *Peeviſhneſs*; *Hatred* and *Evil-will*; *Diviſions* and *Diſcontents*, prevail among thoſe who ſhould *teach*, and *correct* Others; And inſtead of improving a true Spirit of *Piety* and *Purity*; of *Love* and *Charity*; of *Peaceableneſs* and *Humility*; we mind little elſe but our ſeveral *Intereſts*, and *Quarrels*, and *Contentions* with one another: What wonder if we ſee but little *Succeſs* of our *Miniſtry*, and are but little *Regarded* upon the account of it?

We muſt *Reverence* our *Office* our ſelves, if ever we mean that others ſhould *Reverence* us, upon the account of it. A *Teacher* who is an *Heretick*, in

any Point of *Doctrine*, may do ſomewhat to *Corrupt* the *Faith*: But 'tis the *Miniſter*, who ſhews himſelf an *Infidel* in his *Practiſe*, that *Roots* up the very *Foundations* of *Religion*; and prompts Men to caſt off, at once, all *Belief* of it.

And thus have I conſider'd thoſe *Evils*, from whence this *Author* has endeavour'd to ſhew, that it is abſolutely *neceſſary*, a *Convocation* ſhould be call'd for the *Redreſs* of them.

I go on

[2dly.] To Examine, what He has Offer'd to prove, that nothing but a *Convocation* can do it.

p. 18. *Letter* p. 9. And: 1ſt. The *Biſhops*, He ſays, cannot ſafely proceed in Matters of *Hereſie*, becauſe of the *Danger* they may Incurr thereby. But this is an *Argument*, that either really proves nothing; or, if it do's, will prove more than He deſires it ſhould: It being certain, that the *Convocation* can no more *declare Hereſie*, or proceed any farther in the *Puniſhment* of it, than any Single *Biſhop*, by Law, may do. What is,

is, by our *Law*, to be accounted *Hereſie*, the Stat. of 1 *Eliz. c.* 1. has declared. And tho' that *Statute* particularly Referrs to the *High Commiſſioners*; yet is it, by Conſtruction, a Safe *Rule* for all Others to proceed by. As for the *Puniſhment* of it, I do not find it, in the leaſt, doubted, but that a *Biſhop* may proceed by *Eccleſiaſtical Cenſures*, againſt *Hereticks*: And certain it is, that now they can Go no farther. So that here then there is no ſuch mighty Danger; unleſs for thoſe who would make more to be *Hereſie*, than the *Law* has *declared* ſo to be. And if that be the *Danger* this *Author* ſpeaks of, I believe all Wiſe, and Charitable Men, will deſire, that they may be always lyable to it. However, as I before obſerved; be the Hazzard what it will, the *Convocation* is ſubject to the ſame Limitations, that every ſingle *Biſhop* lies under: And the *One*, if they are too buſie, may as eaſily run into a *Præmunire*, as the *Other*.

2. As for the *Authority* of the *Univerſities*, I confeſs it extends only to their *Own Members*. But yet ſo great a Number of Thoſe, who make the chiefeſt Figure among Us, when they are *§.* 19. *Letter* pag. 11.

Men, have commonly their *Education* there, in thoſe Years, in which they ought to be well ſettled in their *Principles* of *Religion*, as well as in their other Notions; that I cannot but account it a kind of *Publick Benefit*, to the *Church* and *Kingdom*, not only that thoſe *Great Bodies* hold ſo Sound, and Intire; but that they are endued with a ſufficient *Power*, to hinder any *Contagious Principles* to *ſpread* within them, and to *infect* their *Members*.

§. 20. *Letter.* p. 12.

His *Majeſty*'s *Authority* is next excepted againſt; as *extending no farther than to inforce the Exerciſe of thoſe* Powers, *which* (ſays He) *I have already ſhewn, and Experience proves, to be too ſhort; Or clogg'd with too much Difficulty and Diſcouragement, to attain the End, we all ſo much want, and contend for.*

'Tis true, his *Majeſty* does not pretend to enlarge his *Supremacy*, beyond thoſe Bounds which the *Laws* of the *Realm* have ſet to it: Nor has he any Need ſo to do. The *Authority* of the *King*, in all theſe Matters, is, by *Law*, very Great, and extenſive: And I believe few *Evils* can happen to the *Church*, which may not, in Good Meaſure, be provided for by it. But

But here our *Author* opens himſelf, and gives us a broad Hint, what it is He wants. He would have the *Biſhops*, or rather, the *Convocation*, empower'd to determine what they pleaſe, to be *Heretical*: And when they have done ſo, to proceed againſt their *Own Members*, if not againſt Others, accordingly. By Vertue of this *Power*, whatſoever *Books* were publiſh'd by Men, whom they did not like, ſhould be *cenſured*; and *executed* as *Heretical*; and the *Authors* be obliged to a *Retractation* of Them. And I am ſometimes afraid, this *Gentleman* do's really fancy the *Convocation* to have a certain Original, Inherent Right, in it, ſo to do.

Should this be ſo, and ſhould there chance to be any conſiderable Number of his *Convocation Friends* of the ſame Opinion; I ſhall only ſay, 'tis Happy for Them that they are not permitted to come together: For certainly they would quickly undo themſelves, if they were. It can hardly be doubted, but that, upon this Suppoſition, one of the firſt things theſe Members would do, would be to fall foul upon *Dr. Sherlock* as an *Heretick*. Now let us only ſup-

poſe the *Dean* to have as much *Kindneſs* for *himſelf*, and *Regard* to his Own *Reputation*, as we ſee the Men of the laſt Age had: And that he ſhould thereupon take the ſame Courſe, to defend himſelf, that *Dr. Standiſh* before did. Who can tell what the Opinion of the *Temporal* Judges in ſuch a *Caſe* might be? Or what they might make of their proceeding? And tho' *King Henry* the 8th let the Matter fall, and took no farther notice of it, yet ſhould they now be deem'd to have fallen under a *Præmunire*, by ſuch an Attempt; who will enſure them that another *Prince* ſhall not take the *Advantage* of it?

But, indeed, tho' when Men are Reſolved to maintain an *Hypotheſis*, 'tis no great matter what they affirm; and, in ſuch a Caſe, his *Majeſty's Authority* may ſeem nothing to them: yet I cannot imagine, what a *Convocation* can do, that the *King* may not as well, and much more ſafely, do, in theſe Matters. He can *Forbid* ſome Men to affect *new Terms*; Can *diſcourage* Others, who advance new *Theories*, to the detriment of the *Authority* of the *Holy Scriptures*. He can publiſh *Rules* for

for the *Preaching* of Some; and *Orders* to *Reform* the *Vices* of Others. But, indeed, he cannot by *all* this, or by any thing elſe that He can do, *Oblige* ſome Men: And therefore ought the leſs to be blamed, if he do's not trouble himſelf to Go out of his Way, to gratifie their *peeviſh*, and *unreaſonable Deſires*.

4. And now we are come to the laſt *Authority*; I mean that of the *King* and *Parliament*: And if this alſo be thought Unable to do Our Buſineſs, we may, I think, venture to Conclude, that the Immoderate Paſſion, which this *Gentleman* has for the ſitting of a *Convocation*, do's ſo Byaſs him, that He can Approve of nothing elſe. §. 21. *Letter* p. 14, 15.

But why may not the *Parliament* be as well Qualified to put a Stop to the *Looſneſs*, or rather the *Licentiouſneſs*, of our preſent Times, as the *Convocation*? That hitherto they have not done it, is no Argument that they are either *Unfit* for, or *Uncapable* of doing it. That they are not Skill'd in *Divinity*, may be a Good *Argument* to prove, that they are not ſo well provided to *diſpute* with *Hereticks*, as a *Convocation* Ibid. p. 14. Ibid. p. 15.

tion may be; but do's by no means hinder, but that they may be Able to take a much more *Effectual Way* of dealing with Them. And I have before ſhewn, that to enable them to know what is *Heretical*, it is by no means neceſſary, that they ſhould be *nicely Skill'd* in the *Languages* of the *Bible*; much leſs that they ſhould be *Maſters* of all the *Learned Fathers*, or of the *Hiſtory* of the *Primitive Church*. Let them ſtick to the *Rule* already Eſtabliſh'd by *Authority* of *Parliament*; 1 *Eliz. c.* 1. And provide only, that nothing be innovated, or attempted, contrary thereunto; and I believe it will puzzle the *Convocation*, to ſhew, what could more effectually be done to ſupport the *Catholick Faith*, or to ſuppreſs thoſe *Hereſies*, which, now eſpecially, ſet themſelves up in Oppoſition thereunto.

Letter p. 15.

Letter p. 15.

As for the *Papiſts Objection* againſt our *Religion*, as *meerly Parliamentary*, it has been often anſwer'd; and would receive no great Strength, by the adding of one new *Law* in defence of the *Catholick Faith*. We cannot but remember, what Endeavours the *Papiſts* themſelves once made, to get a *Parliament*

ment for their Purpoſe. Could they have attain'd their Ends, and have got their *Religion* reſtored again, by a legal *Authority*; I believe they would hardly have thought the worſe of it, for being *Parliamentary*; or have refuſed to let it be introduced, by the *Will* of the *Prince*, and the *Authority of the Peers and Commons*. And whatſoever this *Gentleman* may fancy, I dare ſay, the *Parliament* will always think, that it lies in the Breaſt of the *King*, and of that *High Court*, to determine, what ſhall be the *National Religion*; and have the Advantage of a *Legal Eſtabliſhment* to ſupport it. And I would deſire this *Author* to tell us, if He can; Suppoſing an *Act* were drawn up upon his Own Terms, to prohibit all Perſons to *Write* or *Diſpute* in favour of *Atheiſm*, *Deiſm*, *Socinianiſm*, &c. Or any *Books*, relating to *Religion*, to be *printed*, or *ſold*, that were not *Licenced* by the *Archbiſhop* of the *Province*, and *approved* by the *Biſhop* of the *Dioceſs*, in which the *Author* Lived, (whoſe *Name* ſhould evermore be ſet to them:) And were this *Law* enforced with ſuitable *Penalties*, and care taken, that thoſe *Penalties* ſhould be put in due Exe- Ibid.

Execution; I ſay, ſuppoſing ſuch an *Act* were *paſs'd*, let this *Author* judge, whether it would not be much more likely to put a Stop to the Preſumption of ſuch Perſons, than ten thouſand *Canons* made by the *Convocation*; tho' an *Anathema* were added to every one of them.

§. 22. And now our *Author* has but one thing more to do, and then He thinks he has clear'd his *Point* beyond all Exception; and that is, to Obviate an *Objection*, which I perceive gives him ſome little Diſturbance: And that is, ſuppoſing, when the *Convocation* meets, ſomebody *ſhould have the Boldneſs to attempt to raiſe a Ferment in it, in Defence of Doctrines or Perſons too juſtly liable to Cenſure.* Now in this Caſe, he tells us, *It's not to be doubted, but that the Piety, and Moderation, and Chriſtian Courage of the Reſt, would be ſoon Able to Suppreſs it, and to advance the Good Ends for which they are call'd.* I am willing to indulge any Good Opinion of a *Convocation*, that any one can reaſonably deſire; and therefore ſhall not Oppoſe our *Author* in this. Only I muſt Obſerve, that all this is but a *Conjecture*,

Letter p. 13.

jecture, and muſt be left to Time to diſcover, when this *Great Aſſembly* ſhall be met, and theſe *Perſons* be call'd to an account by them. The *Proceedings* of large *Bodies* are very Uncertain; And 'tis as hard to calculate beforehand how they will act, when they come together, as to compute at *Chriſtmas*, which way the *Wind* will ſit in *March*. A very little matter throws them into Diſorder; and when Men think they have made their *Party* ſo ſtrong, that nothing can Oppoſe them, yet we know how miſtaken they have oftentimes been; and have ſeen all their Projects, by ſome indiſcernible *Accident*, or *Omiſſion*, brought to nothing.

To conclude then; It is confeſs'd §. 23.
that the *Evils* which this *Gentleman* here complains of, are certainly very *Great*; and it were much to be wiſh'd, that ſome *Remedy* might be thought of, that would effectually deliver us from them. But as there is no need to Aſſemble a *Convocation* to aſſert the Honour, and Innocency of our *Church*, and to ſhew that ſhe is no way conſenting to Them; ſo if what former *Synods* have

have done to *Correct* them, be not ſufficient; (as a ſad Experience ſhews that it is not) I do not ſee what a new *Convocation* could pretend to do more, for the Suppreſſion of them. Were a *better Diſcipline* ſetled in the *Church*; and a *Vigorous Law* made in Defence of our *Faith*, and to Reſtrain thoſe ſcandalous Attempts that are made againſt it; this might poſſibly reduce our Diſorders within ſome tolerable Bounds; but any thing ſhort of this, would, I fear, ſignifie very little. And when our Other *Circumſtances* ſhall be ſo favourable, as to encourage the *Government* to think of this; I ſhall then readily Cloſe in with this *Gentleman*, and confeſs, that it will not only be very *fitting*, but a matter of *Duty*, in the *Prince*, to call a *Convocation*; and to Require them to conſider, how to Reſtore the *Honour* of *Religion*, and to ſuggeſt to his *Parliament* ſuch Heads, as may be proper for them to paſs into an *Act*, for the better *Preſervation* of it in Times to come.

CON-

CONCLUSION.

AND thus have I done with the *Reaſoning* of this *Author*; and, I hope, given a ſufficient Anſwer, to Every Thing that can pretend to ſuch a Character in his *Letter*. It may poſſibly be expected, that I ſhould now take ſome Notice of thoſe *Reflections* which he has made, with a more than Ordinary Freedom, upon *all ſorts* of *Perſons*; and upon none more than upon Thoſe, who might have expected to have the leaſt fallen under the *Levities*, and *Scurrilities* of ſuch a Piece. §. 24.

But this is a Work of too ungrateful a Nature to be particularly purſu'd: And I am ſenſible, that in doing of it, I muſt either ſay very much leſs, than He has taken care to deſerve; Or very much more, than I am willing to allow my ſelf to do.

It is, indeed, very ſad to conſider, what an Immoderate *Liberty* ſome Men indulge Themſelves, on theſe Occaſions. With what Readineſs, nay with what Satisfaction, they catch at any thing

thing that is ſcandalous; and may help to blacken Thoſe, whom they do not Love. And if they can but give it a *Witty Turn*; or paſs it off with a *Little Grace*, as if they were *ſorry* to *ſpeak* it; or *unwilling* to *believe* it; (tho' all the while it is apparent, that, by that very *Inſinuation*, they hope to make it ſtick the more) they think they have done their Buſineſs: They have Guarded themſelves againſt being called to account for it by *Men*; and, I am Afraid, they never once think, what *Account* they muſt give for it to *God*.

§. 25. It is, by this little Artifice, that this bold Writer, has preſumed to vent ſuch *Calumnies* againſt the *Greateſt*, and *beſt Men*; as had they really been true, could hardly have been Reported without a Crime. Has traduced the *King*, as a *Man* of *No Religion*; but particularly, as no Friend to the *Church* of *England*. The *Arch-biſhop*, as either *Ignorant* of the *Churches Intereſts*; or too much a *Courtier* to trouble the *King* about them. The *Biſhops*, as Men that value not what becomes of the *Church*, ſo long as they can but keep their *Honour*, and their *Dignity* in the *State*.

Letter p. 22, 23.

Ibid. p. 22.

Ibid. p. 66.

The

The *Inferiour Clergy* as full of *Diſcontents* and *Diſſatisfaction*; as *Perſons* who have been *ill uſed*, and *reſent* it accordingly. And, laſtly, even the *Parliament* its ſelf, as a *Body*, that has never yet done any thing in *favour* of *Religion*, nor that ſeems at all diſpoſed to do any thing for the Advantage of it. And when ſuch is the *Caſe* of all theſe, what wonder if he freely declares his Apprehenſion, of a *General Conſpiracy of all Sorts of Men among Us, to undermine the Catholick Faith; ſo that it is much to be feared no Order, no Degree, or Place among Us, is wholly free from the Infection.*

Ibid. p. 66, 67. Ibid. p. 14, 15. Letter p. 6, 7.

§. 26.

It would be endleſs for me to inſiſt upon theſe and the like Reflections, which He ſeems induſtriouſly to have catcht at, in every Part of his *Letter*. I ſhall inſtead of all, examine the *Story* with which he concludes it, and ſo take my Leave of Him.

There was, ſays He, *a Time, when the* Clergy *was deem'd* Publick Enemies, *and* us'd as ſuch; (*viz. in the Reign of* Edw. 1.) *but it was upon a very Honourable Account; becauſe they Aſſerted the* Laws *of the* Realm. *The* King, *at that*

Letter p. 67.

Time, did by Commiſſion, againſt the ancient Laws and Cuſtoms of the Kingdom, pretend to collect Money, without the Aſſent of Parliament; not from the Clergy only, but from the Earls, Barons and Commonalty of the Realm. The Latter *did, too many of them, ſubmit; the* Clergy *ſtoutly Reſiſted it: So that Sir* Robert Brabazon, *the* King's Chief Juſtice, *pronounced openly in the* King's Bench, *(in terrorem) that from thenceforth no Juſtice ſhould be done at their Suit; and that Juſtice ſhould be done againſt Them in the King's Courts, at any Man's Suit.*

This Paſſage I mark'd, when I firſt read the Inſtitutes, *as a very extraordinary one:* ('tis pag. 529. 2 Inſt) *I ſuppoſe you will think it ſo too, and that* England *was then bleſs'd with a* Righteous Chief Juſtice.

¶. 27. This is the *Fable*; and the *Moral* of it is not difficult. King *William*, is the *Edward* here meant: The preſent *Clergy*, are, like thoſe here mention'd, *deem'd Publick Enemies*; but upon a very *Honourable Account*, becauſe they *Aſſert* the *Laws of the Realm*; that is, ſtand up for *Another Intereſt*, and are *Enemies* to the *Preſent Government*.

For

For this, they are not only *Deem'd Publick Enemies*, but are *Uſed as ſuch*. Some of them have been turn'd out of their Preferments; Others have been Diſcountenanced, and not Preferr'd, according to their Deſerts: becauſe they alſo have *Honourably* ſtood up for the *Laws* of the *Realm*, that is, for another Intereſt; tho' they have again and again *ſworn* Obedience to the *Preſent Government*; and ſome of them (tho' ſore againſt their Wills) even *Subſcribed* the *Aſſociation*, in *Defence* of it: To ſay nothing of Others, who were the moſt *forward* and *buſie*, of any in the *Kingdom*, to help on the *Revolution*; and to eſtabliſh that *Government* they now diſlike.

And this they have done at the ſame time that the *Laity* have, too many of them, *ſubmitted:* And will, I hope, ſhew that they are Able to *defend* the *Government* which they have eſtabliſhed, againſt all the *Enemies* of it; tho' they are never ſo much *cenſured* and *reviled*, by theſe new *Patriots*, for their ſo doing.

§. 28. Having thus accounted for this *Story*, as related by this *Gentleman*, and that too, imperfectly, from *Sir Edw. Cook*; (Whose *Authority* in point of *History*, he is willing to allow of, tho' He cannot Away with it, in a *Point* of *Law*:) I shall in Justice to the Memory of that *Great Prince*, and most worthy *Judge*, give a true Account of this whole *Matter*; And let this *Author*, if He pleases, make as pertinent an *Application* of it for me, as (if I am not mistaken) I have done for Him.

Walsingh. p. 68. King *Edward* the *1st*, having exhausted his Stores in the *War* of *Scotland*, and that with Great *Honour* to *Himself*, and *Advantage* to the *Nation*; call'd his *Parliament* at St. *Edmundsbury*, the Day after *All Souls*, and accounted his Circumstances to Them. The *Laity* readily Granted him a *Subsidy*, as desired; but the *Clergy*, pretending their Fear of the *Pope*'s *Bull*, deny'd, in any wise, to assist Him.

Pope *Boniface* the VIIIth. being desirous to advance the *Liberties* of the *Church*; had, the Year before, publish'd a *Constitution*, by which he forbad the *Clergy* to *pay* any *Taxes* to their *Prince*, with-

without the *Pope's Conſent*; and *Excommunicated* as well the *Receivers*, as *Payers*, of ſuch *Taxes*. This was the *Bull* which theſe Good Men ſtood upon; and this that *Pope* publiſh'd, at the particular Deſire of *Robert Winchelſea*, *Arch-biſhop* of *Canterbury*, and of the *Reſt* of the *Clergy of England*. *Walſ.* ibid. p. 69.

The *King*, tho' he were ſufficiently ſenſible of their jugling, and diſpleaſed at it; nevertheleſs gave them time, till the next *Parliament*, to conſider what they had to do; and how to make ſome *better*, and more *ſatisfactory Anſwer* to Him. But, in the mean time, He cauſed all their *Stores* to be *ſealed* up: And the *Arch-biſhop*, to be even with Him, at the ſame time, order'd this *Bull* of the *Pope*, to be *publiſh'd* in all the *Churches* of his *Province*. *Mat. Weſtm.* Ann. 1296.

The next *Parliament* being met at *London*, the Day after *Hilary*; the *King* again demands a Supply of them. They perſiſt in their Denyal; and the *King* thereupon puts them out of his *Protection*: And holding his *Parliament*, with his *Barons*, without them; an *Act* is paſs'd, by which all their Goods are Confiſcated to the *King*'s Uſe. *W. Thorne* ad Ann. 1296. 1965. Col.

In this State the *Clergy* were, when the Lord *Chief Juſtice* (as my Lord *Coke* ſays, Sir *Robert Brabazon*, who was then *Chief Juſtice*, not of the *King's Bench*, but of the *Common-pleas*:) declared to the *Attorneys* of the *Biſhops* and *Clergy*, what the *King*, and *Parliament*, had done. He bade them acquaint their Maſters, That from thenceforth no *Juſtice* could be done for them in the *King's Court*, tho' they ſhould be never ſo much *injured*; but that *Juſtice* might be had againſt Them, by any who had need, and would move it to the *Court*.

Henr. Knyght. Col. 2491.

Now this was no more than declaring to them how the *Law* then ſtood, and ſtill is, in the like *Caſes*: And in which it is Agreed, that *Men* Attaint, *or* Outlaw'd, *ſhall be put to anſwer in Any* Action *againſt them*; *becauſe it is to their Prejudice*: *But in an* Action *brought by Them*, *they ſhall not be Anſwered*; *becauſe it is to their Benefit* So that if the *Chief Juſtice* committed any Fault, it muſt be either in *Obeying* the *Law*, or in declaring to their *Council* what *Incapacities* the *Clergy* lay under: That is, for *acting uprightly* in his Place, and *judging* according to the *Laws* of the *Realm*; which

Novs Rep. Haſtings *and* Blakes *Caſe.*

which is not wont to be accounted a *Crime* in ſuch *Perſons*.

The truth is, there is hardly a Man of thoſe Times, upon whom this *Author* could more unluckily have Reflected, than this *Sir Robert Brabazon*. He was made *Second Juſtice* of the *Common-pleas*, by *King Edward* 1ſt. about the 18th Year of his *Reign*. Seven Years he ſerved his *Prince* in that *Station*, and was then, for his Merits, created *Lord Chief Juſtice* of that *Court*: *Anno* 24. *Edw.* 1. In the firſt Year of his Son King *Edw.* 2. He was ſworn anew into his Place: And about Seven Years after, had the Care of the *Treaſury* committed to him, till a *Lord Treaſurer* ſhould be choſen, which was done about a Year after. And being thus Grown Old in the Service of his two *Maſters*, and diſabled to attend any Longer at his *Court*; that he might ſit down with Honour, He was, in Conſideration of his Great Fidelity, choſen into the *King*'s *Council*, and in that Quality, ended his Life.

This is the Man, whom this diſcreet *Author* has endeavour'd to Beſpatter; and this was the Crime, for which he ſo tragically exclaims againſt Him.

And now, upon the whole matter, let this *Gentleman* freely ſay, What he has to except againſt, in the Conduct of this Great *Prince*? Or whether, upon a true State of this Matter, He will eſpouſe the Cauſe of the *Archbiſhop* and *Clergy*? Here is a brave, and war-like *Prince*, engaged in a War of the utmoſt Conſequence, to his *Country* and *People*. He carrys it on, himſelf, with Vigor, and ends it with Glory. He forces his Enemy, not only to yield to Him; but to *Own* his *Authority*, and do him *Homage*. Being Return'd with Victory, He calls his *Parliament*; and is Readily aſſiſted by his *Lay* Subjects to *pay* his *Debts*, and prepare himſelf againſt his Other *Enemies*. Only his *Clergy*, not only Refuſe to *contribute* to the *Defence* of their *Country*, but put an Indignity, of the baſeſt Nature, upon their *King*. Like the *Phariſees*, with their *Vow* of *Corban*; they firſt procure the *Pope* to paſs an *Order* againſt their *aſſiſting* of Him, and then, (with a *Jewiſh Hypocriſie*) look demure, and pretend: That truly they would *Aſſiſt* him, with all their Hearts, but the *Pope* has forbidden it, And they dare not do it.

In

In return to this Uſage, the *King* determines no longer to afford his *Protection* to thoſe, who had deliver'd themſelves up to *Another Intereſt*; and thereupon refuſed to contribute any thing to the Support of the *Government*, by which they were ſecured in the peaceable Enjoyment of their Own *Rights*, and *Eſtates*. And the Parliament thought his Reſolution ſo juſt, that they cloſed in with it; and readily confirm'd it with their *Authority*.

This was the Caſe of the whole *Clergy* then; and it is but too like the Caſe of ſome of them Now. And the Effect was, that being, by this means, brought to a Senſe of their *Duty*; the greateſt Part of them preſently *ſubmitted* to the *King*; and All, the next Year, granted a *Supply* to Him: And have thereby left us this Obſervation, That *the only way to deal with ſome Perſons, is to treat them as they deſerve: And to let them know, that thoſe are unworthy of the Protection of the Government, who are Embark'd in an Intereſt different from it; and Refuſe to Contribute to the Neceſſities of it.*

APPENDIX:

APPENDIX:

CONTAINING

Some PUBLICK ACTS; and Other *Collections*, referr'd to in the Foregoing *Diſcourſe*.

APPENDIX.

I.

The Ancient Form of ſummoning an Abbot *to* Parliament. *Ex Reyner : Apoſt. Benedict.* p. 149. *Append. Part.* iii. *num.* LXIX.

HEnricus, Dei Gratia Rex Angliæ, &c. N. Abbati S. Albani. Sub Henr. iii.
Quia de Aviſamento conſilii noſtri, pro quibusdam arduis & urgentibus negotiis Nos, & Statum, & Defenſionem Regni noſtri Angliæ, & Eccleſiæ Anglicanæ contingentibus, quoddam Parleamentum apud (Weſtminſter, tali die) teneri Ordinavimus, & ibidem Vobiſcum, & cum Ceteris Prælatis, Magnatibus, & Proceribus dicti Regni noſtri, Colloquium habere & tractatum: Vobis in fide, & dilectione, quibus Nobis tenemini firmiter injungendo Mandamus, Quod conſideratis dictorum negotiorum Arduitate, & Periculis imminentibus, Perſonaliter interſitis;

terſitis; Nobiſcum, ac cum Prælatis, Magnatibus, & Proceribus prædictis, ſuper prædictis Negotiis tractaturi, Veſtrumq; Conſilium impenſuri; & hoc ſicut nos, & Honorem noſtrum ac Salvationem, & Defenſionem Regni & Eccleſie prædicte, Expeditionemq; dictorum Negotiorum diligitis, nullatenus Omittatis: Teſte meipſo.

The Parliament Abbots *thus ſummon'd. Ex Eod.*

1. Abbas *Glaſtoniæ.*
2. Abbas S. *Auguſtini Cant'.*
3. Abbas S. *Petri Weſtmonaſter'.*
4. Abbas S. *Albani.*
5. Abbas S. *Edmundi de Bury.*
6. Abbas S. *Petri de Burgo.*
7. Abbas S. *Johannis Colceſtriæ.*
8. Abbas *Eveſhamiæ.*
9. Abbas *Winchelcumbiæ.*
10. Abbas *Croylandiæ.*
11. Abbas *de Bello.*
12. Abbas *Redingiæ.*
13. Abbas *Abendoniæ.*
14. Abbas *Salopiæ.*
15. Abbas S. *Petri Glouceſtriæ.*
16. Abbas *Bardeneyæ.*

17. Abbas

17. Abbas S. *Benedicti de Hulmo.*
18. Abbas *Thorneiæ.*
19. Abbas *Ramſeiæ.*
20. Abbas *Hydæ.*
21. Abbas *Maimesbiriæ.*
22. Abbas S. *Mariæ Eborac'.*
23. Abbas *Selbeyæ.*
24. Abbas *Taveſtoke.*
25. Prior *Conventriæ.*

II.

The Ancient Writs *of* Summons, *of a* Biſhop *to* Parliament. *Cl.* 49. *H.* 3. *M.* 11. *Dors. in Schedula.*

HEnricus, dei Gratia Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniæ, venerabili in Chriſto Patri R. eadem Gratia Epiſcopo Dunelm. Salutem. Cum poſt Gravia turbationum diſcrimina dudum habita in Regno, Chariſſimus Filius Edwardus, Primogenitus noſter, pro pace in Regno noſtro Aſſenſuranda, & Firmanda, Obſes traditus extitiſſet; & jam ſedata (be-

(benedictus Deus) turbatione prædicta, super deliberatione ejusdem salubriter providenda, & plena securitate, & tranquilitate pacis, ad Honorem Dei, & Utilitatem totius Regni nostri, firmanda, & totaliter complenda, ut super Quibusdam aliis Regni nostri Negotiis, que sine Consilio vestro & aliorum Prælatorum, & Magnatum nostrorum nolumus expediri, cum iisdem tractatum habere nos oportet: Vobis Mandamus, Rogantes in fide & dilectione quibus nobis tenemini, quod Omni Occasione post-posita, & Negotiis aliis prætermissis, sitis ad nos London. in Octabis S. Hilarii prorim. futur. Nobiscum, & cum prædictis Prælatis & Magnatibus nostris, quos ibid. vocari fecimus, super præmissis tractatur. & Concilium impensur. Et hoc sicut Nos, & Honorem nostrum & vestrum, nec non & Communem Regni nostri tranquilitatem diligitis, nullatenus Omittatis. Teste meipso, xiiii. Decemb. Anno Regni nostri 49.

§. 2.

§. 2.

Cl. 23. Ed. 1. M. 4. Dorſ.

Rex, venerabili in Chriſto R. eadem gratia Cantuarienſi Archiepiſcopo, totius Angliæ Primati, ſalutem. Sicut lex juſtiſſima provida circumſpectione ſacrorum Principum Stabilita, hortatur & ſtatuit, ut quod omnes tangit, ab omnibus approbetur; ſic & innuit evidenter, ut communibus periculis, per Remedia provida communiter obvietur. Sane ſatis noſtis, & jam eſt, ut credimus, per univerſa mundi Climata divulgatum, qualiter Rex Franciæ de terra noſtra Vaſconiæ nos fraudulenter, & cautelose decepit, eam nobis nequiter detinendo: Nunc vero prædictis fraude & nequitia non contentus, ad expugnationem Regni noſtri claſſe maxima & Bellatorum copioſa multitudine congregatis, cum quibus Regnum noſtrum, & Regni ejusdem incolas, hoſtiliter jam invaſit, linguam Anglicam, ſi concepte iniquitatis proposito deteſtabili poteſtas correſpondeat, quod Deus avertat, omnino de Terra delere proponit. Quia igitur prævisa jacu-

la minus ledunt, & Res vestra maxime, sicut ceterorum Regni ejusdem Concivium, agitur, in hac parte Vobis mandamus in fide & dilectione quibus nobis tenemini firmiter injungentes, quod die dominica proxima post festum S. Martini in hyeme proximo futurum, apud Westminster personaliter intersitis. PRÆMUNIENTES Priorem & Capitulum Ecclesie vestre, Archidiaconum, totumq; Clerum vestre Diœcesis, facientes, quod idem Prior & Archidiaconus in propriis personis suis, & dictum Capitulum per unum, idemq; Clerus per duos Procuratores idoneos, plenam & sufficientem potestatem ab ipsis Capitulo & Clero habentes, una Vobiscum intersint, modis omnibus, tunc ibidem, ad Tractandum, Ordinandum, & Faciendum, Vobiscum, & cum ceteris Prelatis & Proceribus & aliis Incolis Regni nostri, qualiter sit hujusmodi periculis & excogitatis Maliciis obviandum. Teste Rege apud Wengeham: xxx. die Septembris.

§. 3.

The laſt Clauſe of this Writ, as it was ſettled 15 Ed. 2. *compared with the ſame as it is now.*

15 *Ed.* 2.	13 *Elizab.*
PRÆMUNIENTES Priorem & Capellanum Eccleſie veſtre Cant. Archidiacon. totumq; Clerum veſtre Dioceſi quod iidem Prior & Archidiacon. in propriis Perſonis ſuis, & dictum Capellanum per Unum, Idemq; Clerus, per duos Procuratores Idoneos, plenam & ſufficientem poteſtatem ab ipſis Capellano & Clero habentes, una Vobiſcum interſint, modis omnibus dictis die & loco perſonaliter	PRÆMONENTES Decanum & Capitulum Eccleſie veſtre Cant. ac Archidiacon. totumq; Clerum veſtre Diœceſ. Quod iidem Decanus & Archidiacon. in propriis perſonis ſuis, ac dictum Capitulum per Unum, Idemq; Clerus per duos Procuratores Idoneos, plenam & ſufficientem Poteſtatem ab ipſis Capitulo & Clero diviſim habentes, prædictis die & loco perſonaliter

bus tunc & ibidem; ad faciendum & consentiendum hiis que tunc & ibidem de Communi Consilio (favente Deo) Ordinari contigerit, super Negotiis antedictis. Et hoc nullatenus Omittatis. Teste meipso.

sonaliter interſint, ad Conſentiendum Hiis que tunc Ibidem, de Communi Conſilio dicti Regni noſtri, divina favente Clementia, contigerint Ordinari. Teſte Meipſa.

III.

The Forms of the Convocation-writs, *before and ſince the* Reformation.

Before the Reformation.

REX, &c. Reverendiſſimo in Chriſto Patri A. Cantuarienſi Archiepiſcopo, totius Angliæ Primati, & Apoſtolicæ Sedis Legato; ſalutem. Quibusdam arduis & urgentibus Negotiis Defenſionem & Securitatem Eccleſie Anglicanæ, ac Pacem, Tranquillitatem, & Bonum Publicum, & Defenſionem

onem Regni noſtri, & Subditorum noſtrorum eſusdem concernentibus; Vobis in fide & dilectione, quibus nobis tenemini, Rogando mandamus, quatenus præmiſſis debito intuitu attentis & ponderatis, univerſos & ſingulos Epiſcopos veſtre Provinciæ, ac Decanos, & Præcentores, Eccleſiarum Cathedralium; Abbates, Priores, & alios Electivos, Exemptos & non Exemptos; Nec non Archidiaconos, Conventus, Capitula & Collegia, totumq; Clerum, cujuslibet Diœceſeos eſusdem Provinciæ, ad Conveniendum coram Vobis in Eccleſia S. Pauli London. vel alibi, prout melius expedire videritis, cum omni celeritate accommoda, modo debito convocari faciatis: Ad tractandum, conſentiendum, & concludendum ſuper Præmiſſis, & aliis que ſibi clarius proponentur, tunc & ibidem, ex parte noſtra. Et hoc ſicut nos, & Statum Regni noſtri, & Honorem & Utilitatem Eccleſie predicte diligitis, nullatenus Omittatis. Teſte Meipſo.

§. 2.

Elizabetha Dei Gratia, &c. Reverendiſſimo, &c. Salutem. Quibus Since the Reformation.

dam arduis & urgentibus Negotiis, Nos, ſecuritatem & defenſionem Eccleſiæ Anglicanæ, ac Pacem & Tranquillitatem, Bonum Publicum, & Defenſionem Regni noſtri, & Subditorum noſtrorum ejusdem concernentibus; Vobis in fide & dilectione, quibus Nobis tenemini Rogando Mandamus, quatenus præmiſſis debito intuitu Attentis & Ponderatis, Univerſos & Singulos Epiſcopos veſtræ Provinciæ, ac Decanos Eccleſiarum Cathedralium, nec non Archidiaconos, Capitula, & Collegia, totumq; Clerum cujuſlibet Diœceſis ejusdem Provinciæ, ad comparendum coram Vobis in Eccleſia Cathedrali S. Pauli London, tertio die Aprilis proxime futuri, vel Alibi, prout melius expedire videritis, cum omni celeritate accommoda, modo debito convocari faciatis. Ad tractandum, conſentiendum, & concludendum, ſuper Præmiſſis, & Aliis que ſibi Clarius exponentur tunc ibidem ex parte noſtra: Et Hoc, ſicut Nos, & Statum Regni noſtri, ac Honorem & Utilitatem Eccleſiæ prædictæ diligitis, nullatenus Omittatis. Teſte meipſa apud Weſtm. xvi. die Februarii, Anno Regni noſtri tertio-decimo.

IV. An

IV.

An Act concerning the Submiſſion of the Clergy to the King's Majeſty.
25 H. 8. c. 19.

Where the King's moſt humble and obedient Subjects, the Clergy of this Realm of England, have not only knowledged according to the Truth, that the Convocations of the ſame Clergy, are always, have been, and ought to be aſſembled, by the King's Writ; but alſo ſubmitting themſelves to the King's Majeſty have promiſed (in verbo Sacerdotii) that They will never from henceforth preſume to attempt, alledge, claim, or put in ure, or enact, promulge, or execute, any New Canons, Conſtitutions, Ordinance, Provincial or Other, Or by whatſoever Name they ſhall be called in the Convocation, unleſs the King's moſt Royal Aſſent and Licence may to them be had, to make, promulge, and execute the ſame, and his Majeſty do give his moſt Royal Aſſent and Authori-

ty in that Behalf.--- Be it therefore now Enacted, by Authority of this present Parliament, according to the said Submission and Petition of the said Clergy, that They, ne Any of Them from henceforth shall presume to attempt, alledge, claim, or put in ure, any Constitutions or Ordinances, Provincial, or Synodals, or any other Canons: Nor shall enact, promulge, or execute any such Canons, Constitutions or Ordinance Provincial, by whatsoever Name, or Names, they may be called in their Convocations in Time Coming, which alway shall be Assembled by Authority of the King's Writ, unless the same Clergy may have the King's most Royal Assent and Licence, to make, promulge, and execute, such Canons, Constitutions, and Ordinances Provincial or Synodal; upon pain of every one of the said Clergy, doing contrary to this, and being thereof convict, to suffer Imprisonment, and to make fine at the King's Will.

---Provided alway that no Canons, Constitutions, or Ordinances shall be made, or put in Execution within this Realm, by Authority of the Convocations of the Clergy, which shall be Contrariant

trariant or Repugnant to the King's Prerogative Royal, or the Customs, Laws, or Statutes of this Realm; any thing contained in this Act to the contrary hereof notwithstanding.

V.

The Commission, *sent by King* Charles Ist. *to the* Convocation *of* 1640.

1. 'CHarles by the Grace of God, &c. 'To all whom these Presents 'shall come, Greeting. Whereas in 'and by One *Act* of *Parliament* made at '*Westminster* in the 25th. Year of the 'Reign of King *Henry* VIIIth, reciting 'that whereas the *King's Humble and* 'Obedient *Subjects*, *the Clergy*, &c. [Re-'citing all verbatim, as in the Extract, 'Numb. iv.] And lastly it is *provided* 'by the said *Act*, that such Canons, 'Constitutions, Ordinances and Syno-'dals Provincial, which then were al-'ready made, and which then were

'not

'not Contrariant or Repugnant to the 'Laws, Statutes, and Cuſtoms of this 'Realm, nor to the Damage or hurt of 'the King's Prerogative-Royal, ſhould 'then ſtill be uſed and executed as they 'were before the making of the ſaid '*Act*, until ſuch time as they ſhould be 'view'd, ſearch'd, or otherwiſe Order'd 'and Determin'd by the Perſons menti-'on'd in the ſaid *Act*, or the more Part 'of them, according to the Tenour, 'Form, and Effect of the ſaid *Act*; as 'by the ſaid *Act* (amongſt divers other 'things) more fully, and at large, it 'doth, and may Appear.

'2. Know ye that we, for divers ur-'gent and weighty Cauſes and Conſi-'derations us thereunto eſpecially mo-'ving, of Our eſpecial Grace, certain 'Knowledge, and meer Motion, have 'by Vertue of our *Prerogative Royal*, 'and *Supreme Authority* in *Cauſes Eccle-'ſiaſtical* given and granted, and by 'theſe Preſents do Give and Grant full, 'free, and lawful Liberty, Licence, 'Power and Authority unto the moſt 'Reverend Father in God *William* 'Lord *Biſhop* of *Canterbury*, Primate of 'all *England*, and Metropolitan, Preſi-'dent

'dent of this preſent *Convocation* for the
'*Province* of *Canterbury*, during this
'Preſent *Parliament*, now aſſembled,
'and to the Reſt of the *Biſhops* of the
'ſame *Province*, and all *Deans* of Ca-
'thedral Churches, *Arch-deacons*, *Chap-*
'*ters*, and *Colleges*, and the whole *Cler-*
'*gy* of every ſeveral *Dioceſs* within the
'ſaid *Province*; That they the ſaid
'Lord *Archbiſhop* of *Canterbury*, Preſi-
'dent of the ſaid *Convocation*, and the
'Reſt of the *Biſhops*, and other the ſaid
'*Clergy* of this preſent *Convocation*,
'within the ſaid *Province* of *Canterbu-*
'*ry*, or the greater Number of them,
'(whereof the ſaid *Preſident* of the ſaid
'*Convocation* to be always One:) Shall,
'and may, from Time to Time, du-
'ring the preſent *Parliament*, Propoſe,
'Conferr, Treat, Debate, Conſider,
'Conſult, and Agree, upon the Expo-
'ſition, or Alteration, of any Canon or
'Canons now in force; and of, and
'upon, any ſuch Other New Canons,
'Orders, Ordinances and Conſtituti-
'ons, as they the ſaid Lord *Biſhop*,
'*Preſident* of the ſaid *Convocation*, and
'the reſt of the ſaid *Biſhops*, and other
'the *Clergy* of the ſame *Province*, or
'the Greater Number of them (where-
'of

'of the ſaid Lord *Biſhop* of *Canterbury*,
'*Preſident* of the ſaid *Convocation* to be
'One) ſhall think neceſſary, fit, and
'convenient, for the Honour and Ser-
'vice of Almighty God, the Good and
'Quiet of the Church, and the better
'Government thereof, to be from
'Time to Time obſerv'd, perform'd,
'fulfill'd, and kept, as well by the ſaid
'Lord *Biſhop* of *Canterbury*, the *Biſhops*,
'and their Succeſſors, and the reſt of
'the whole *Clergy* of the ſaid *Province*
'of *Canterbury*, in their ſeveral Cal-
'lings, Offices, Functions, Miniſtries,
'Degrees, and Adminiſtrations; as al-
'ſo by all and every *Dean* of the *Arches*,
'and other *Judges* of the ſaid *Biſhops*
'*Courts*, *Guardians* of *Spiritualties*,
'*Chancellors*, *Deans* and *Chapters*, *Arch-*
'*deacons*, *Commiſſaries*, *Officials*, *Regi-*
'*ſters*, and all and every Other *Eccleſi-*
'*aſtical Officers*, and their *Inferiour Mini-*
'*ſters*, whatſoever, of the ſame *Province*
'of *Canterbury* in their, and every of
'their diſtinct Courts, and in the Order
'and Manner of their, and every of their
'Proceedings, and by all other Perſons
'within this Realm, as far as lawfully,
'being Members of the Church, it
'may concern them: And further, to

'con-

'conferr, debate, treat, conſider, conſult 'and agree, of and upon ſuch other 'Points, Matters, Cauſes and Things, 'as We from Time to Time ſhall deli-'ver, or cauſe to be deliver'd, unto the 'ſaid Lord *Biſhop* of *Canterbury*, *Preſi-'dent* of the ſaid *Convocation*, under our 'Sign-manual, or Privy-Signet, to be de-'bated, conſider'd, conſulted, and conclu-'ded upon; the ſaid *Statute*, or any Other '*Statutes*, *Act* of *Parliament*, *Proclama-'tion*, *Proviſion*, or *Reſtraint*, hereto-'fore had, made, provided, or ſet forth; 'or any other Cauſe, Matter, or thing 'whatſoever, to the contrary notwith-ſtanding.

'3. And we do alſo, by theſe Pre-'ſents, give and grant unto the ſaid 'Lord *Biſhop* of *Canterbury*, *Preſident* of the 'ſaid *Convocation*, and to the Reſt of the '*Biſhops* of the ſaid *Province* of *Canterbu-'ry*, and unto all *Deans* of Cathedral 'Churches, *Arch-deacons*, *Chapters*, and '*Colleges*, and the whole *Clergy* of every 'ſeveral *Dioceſs* within the ſaid *Pro-'vince*, full, free, and lawful Liberty, 'Licence, Power and Authority, that 'They the ſaid Lord *Biſhop* of *Canterbu-'ry*, *Preſident* of the ſaid *Convocation*, 'and

'and the reſt of the ſaid *Biſhops*, and 'other the *Clergy* of the ſame *Province*, 'or the greater Number of them, '(whereof the ſaid *Preſident* of the ſaid '*Convocation* to be One) all and every 'the ſaid Canons, Orders, Ordinan-'ces, Conſtitutions, Matters, Cauſes 'and things, ſo by them from Time to 'Time conferr'd, treated, debated con-'ſider'd, conſulted, and agreed upon, 'ſhall and may ſet down in Writing in 'ſuch Form as heretofore hath been ac-'cuſtom'd; and the ſame, ſo ſet down 'in writing, to exhibit and deliver, or 'cauſe to be exhibited and delivered 'unto Us, to the End that we, upon 'mature Conſideration by Us to be ta-'ken thereupon, may Allow, Approve, 'Confirm, and Ratifie; or otherwiſe, 'Diſallow, Anhillate, and make void, 'ſuch and ſo many of the ſaid Canons, 'Orders, Ordinances and Conſtituti-'ons, Matters, Cauſes and Things, or 'Any of them ſo to be by force of theſe 'preſents conſider'd, conſulted, and 'Agreed upon, as we ſhall think fit, 'requiſite, and convenient.

'4. Provided always, that the ſaid 'Canons, Orders, Ordinances, Conſti-'tutions,

'tutions, Matters, and Things, or Any 'of them, ſo to be conſider'd, conſul- 'ted, and agreed upon, as aforeſaid, 'be not contrary, or repugnant to the '*Liturgy* eſtabliſh'd, or the *Rubricks* in 'it; or the xxxix *Articles*; or any *Do- 'ctrine*, *Orders*, and *Ceremonies* of the '*Church* of *England*, already eſta- 'bliſh'd.

'5. Provided alſo, and our expreſs 'Will, Pleaſure, and Commandment 'is, That the ſaid Canons, Orders, Or- 'dinances, and Conſtitutions, Matters, 'Cauſes and Things, or any of them, 'ſo to be by force of theſe preſents 'conſider'd, conſulted, or agreed up- 'on; ſhall not be of any Force, Effect, 'or Validity in the Law, but only 'ſuch, and ſo many of them, and af- 'ter ſuch Time, as we by our Letters 'Patents under our great Seal of *Eng- 'land*, ſhall allow, approve, and con- 'firm the ſame; Any thing before in 'theſe Preſents contain'd to the contra- 'ry thereof notwithſtanding. In Wit- 'neſs whereof we have cauſed theſe our '*Letters* to be made *Patent*; Witneſs 'our ſelf at *Weſtminſter* the 15th. Day 'of *April*, in the xvith. Year of our Reign. *Per ipſum Regem. Willis.* The

The *Canons*, and the *King's Declaration* in Confirmation of them, made hereupon, are already extant in *Sparrow's* Collection. *pag.* 335.

VI.

A Specimen of Convocations, *anciently held without* Parliaments; *or at different* Times *from Them; till the latter End of* King Henry viiith's. *Reign.*

Anno 1297. The *Convocation* ſate *March* 26: But the *King* was then abſent upon his Expedition in *Scotland*, and held not his *Parliament* till the End of the Summer, firſt at *Berwick*; and after that at St. *Edmunds-bury*, *November* 3. *Walſ.* p. 68.

Anno 1316. 9 *Ed.* 2. The *Writ* of *Summons* to the *Convocations* bears date *Febr.* 17. to meet *poſt* xv *Paſch.* The *Parliament* was ſummon'd the 16 *Octob.* before to meet in *Quinden. S. Hilarii.* *Anno*

Anno 1328. The *Convocation* was held at *London*, the *Fryday* after the *Purification*: The *Parliament* was held at *Wincheſter*, the firſt Week in *Lent* after. *Walſ.* p. 129.

Anno 1342. The *Convocation* met *Oct.* 10. But I do not find that any *Parliament* ſate that Year.

Anno 1408. A *Convocation*, and *Parliament*: The Dates I have not: But the *former* met at *Oxford*, the *latter* at *Glouceſter*.

Anno 1413. The *Convocation* met on *Trinity Sunday*: The *Parliament* ſate *May* the 15th; being the *Third Week* in *Eaſter* foregoing.

Anno 1417. The *Convocation* met *November* 6. The *Parliament* ſate not till *November* 16th.

Anno 1439. The *Convocation* met *November* 1. I find not any *Parliament* that Year.

Anno 1463. The *Parliament* ſate *April* the 29th: The *Convocation* met not till *July* 6.

Anno 1466. The *Convocation* ſate *April* 26. I find no *Parliament* this Year.

Anno 1486. The *Convocation* met *February* 13: The *Parliament* ſate *November* 7. foregoing.

Anno 1538. A *Convocation*: No *Parliament*.

Thus ſtood this matter, till about the End of King *Henry* viiith's. Reign. Since which (excepting in the Caſe of the *Convocation* of 1640) it has, I think, been the uſual Cuſtom, for the *Convocation* to ſit, only in Time of *Parliament*.

VII.

VII.

An Abſtract of ſeveral things, relating to the Church, *which have been done ſince the* 25 *H.* 8. *by* Private Commiſſions, *Or Otherwiſe, out of* Convocation.

25 *H.*8. THirty two Perſons Appointed to *Review*, &c. the *Canons* of the *Church*, and to Gather together out of them ſuch as ſhould, from thenceforth, alone be of force in it. See the Act. c. 19.

1536. *Injunctions* by the King. Biſhop *Burnet Hiſt. Ref.* pag. 225.

——Order for the *Tranſlation* of the *Bible*. *Ibid.* pag. 195, 249, 302.

1538. New *Injunctions*. Ibid. 249.

——Explication of the chief *Points* of *Religion*: publiſh'd at the *Cloſe* of the *Convocation*, but not by it. *Ibid.* p. 245.

1539. A *Committee* of *Biſhops* appointed by the *Lords*, at the *King*'s Command, to draw up *Articles* of Religion. *Ibid.* p. 256.

——The vi. Articles, on which the *Act* paſſed, brought in by the *Duke* of *Norfolk*, and wholly carried on by the *Parliament*. Ibid. p. 256, *&c.*

1540. A Committee of *Divines* employed to draw up *The neceſſary Erudition of a Chriſtian Man.* Ibid. p. 286.

——Another *Commiſſion* appointed to examine the *Rites* and *Ceremonies* of the *Church*. Ibid. p. 294.

1542. The Examining of the *Engliſh Tranſlation* of the *Bible*, being begun by the *Convocation*, is taken by the *King* out of their Hands, and committed to the two *Univerſities*. Ibid. p. 315.

1544. The *King* orders the *Prayers* for *Proceſſions*, and *Litanies*, to be put into *Engliſh*; and ſends them to the *Archbiſhop* with an Order for the *Publick Uſe* of Them. *Ibid.* p. 331.

King

King Edward VI.

1547. The *King* orders a *Viſitation* over his whole *Kingdom*, and thereupon ſuſpends all *Epiſcopal Juriſdiction* while it laſted. *Biſhop Burnet. Hiſt. Ref.* Vol. II. p. 26.

——The *Homilies* compoſed. *Ibid.* p. 27.

——Articles, and Injunctions, ſet forth. p. 28.

1548. New *Injunctions*: Ibid. Append. p. 126.

——An Order of *Council* for Removing *Images*. Ibid. p. 129.

——Directions, by the *Council*, to the *King's Preachers*. Ibid. p. 130.

——A Committee of Select *Biſhops* and *Divines*, appointed to *Examine* and *Reform* the Offices of the *Church*. Ibid. *Hiſt.* p. 61, 71.

——A *new Office* of *Communion* ſet forth by them. *Ibid.* p. 64.

——This made way for the *Act* of 1548. p. 93. and 1551. Ibid. p. 189.

1549. An *Order* of *Council* forbidding *Private Maſſes*. Ibid. p. 102, 103.

The

---The *Forms* of *Ordination*, Appointed by *Act* of *Parliament* order'd to be drawn up by a ſpecial *Committee*, of *Six Biſhops*, and *Six Divines*; to be named by the *King*: Ibid. p. 141, 143.

1552. The Obſervation of *Holydays* order'd by *Act* of *Parliament*. Ibid. p. 191.

1553. A new *Catechiſm*, by the *King*'s Order, required to be taught by *Schoolmaſters*. Ibid. p. 219.

Queen *Elizabeth*.

1559. The Queen's *Injunctions*: q. v. Ibid. p. 398.

King James I.

1603. The *Conference* at *Hampton-Court*. *Fuller Ch. Hiſt.* p. 21.

1607. An *Order* for a *new Tranſlation* of the *Bible*; the *King* directs the whole Proceſs of it. Ibid. p. 44, *&c.*

1618. A *Proclamation* by the *King*, concerning *Sports*, and *Recreations*, to be allow'd of on the *Lords-Day*. Ibid. p. 74.

King

King Charles I.

.....Directions concerning Preaching, with reſpect to the *Arminian* Points.

I have ſet down theſe *Remarks*, in this, and the foregoing *Number*; for the moſt part, as they lay in my *Collections*; and, I hope, they are Exact: Tho', at preſent, I have not either *Time*, or *Opportunity*, to make ſo careful an Examination, as I ought to do, of ſeveral of Them.

FINIS.

Books printed for Richard Sare *at* Grays-Inn-Gate *in* Holborne.

THE Genuine Epiſtles of St. *Barnabas*, St. *Ignatius*, St. *Clement*, St. *Polycarp*, the Shepherd of *Hermas*, &c. Tranſlated and publiſhed in *Engliſh*. 8°.

A Practical Diſcourſe concerning Swearing. 8°.

A Sermon on the Publick Thankſgiving for Preſervation of his *Majeſtie's* Perſon. Theſe three by the Reverend Dr. *Wake*.

Alſo ſeveral Sermons upon ſeveral Occaſions. By Dr. *Wake*.

Fables of *Æſop* and other eminent Mythologiſts, with Morals and Reflections. *Folio*.

Eraſmus Colloquies in *Engliſh*. 8°.

The Viſions of Dom. *Francisco de Quevedo*. 8°.

The three laſt by Sir *Roger L'Eſtrange*.

Epictetus's Morals with *Simplicius*'s Comment, tranſlated by *Mr. Stanhope*. 8°.

Compleat Sets, conſiſting of 8 Volumes of Letters writ by a *Turkiſh Spy* who lived 45 Years undiſcovered at *Paris*. 12°

Humane Prudence, or the Art by which a man may raiſe himſelf and Fortune to Grandeur. 12°.

Moral Maxims and Reflections, written in *French* by the Duke of *Rochfoucault*, now made *Engliſh*. 12°.

Of the Art both of writing and judging of Hiſtory, with Reflections upon *Ancient* as well as *Modern Hiſtorians*. By Father *Le Moyne*. 12°.

An Eſſay upon Reaſon, by Sir *George Mackenzie*. 12°.

A Divine Antidote, or an Anſwer to an Heretical Pamphlet, entituled an End to the Socinian Controverſy. By Dr. *Francis Gregory*. 8°.

The Doctrin of a God and Providence vindicated and aſſerted. 8°.

Diſcourſes on ſeveral Divine Subjects. 8°. Both by *Thomas Gregory* late of *Wadham* College *Oxford*, and now Lecturer of *Fulham* near *London*.

Death made comfortable, or the way to dye well. By *John Kettlewel*, a Presbyter of the Church of *England*. 12°.

The Parſon's Counſellor, or the Law of Tyths. By Sir *Simon Degg*. 8°.

The Unlawfulneſs of Bonds of Reſignation. 8°. Price 6 *d*.